



This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

Usage guidelines

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

- + *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.
- + *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.
- + *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.
- + *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at <http://books.google.com/>



T H E
Parliamentary Register ;
O R
H I S T O R Y
O F T H E
PROCEEDINGS AND DEBATES
O F T H E
HOUSE OF COMMONS;

CONTAINING AN ACCOUNT OF

**The most interesting SPEECHES and MOTIONS; accurate
Copies of the most remarkable LETTERS and PAPERS;
of the most material EVIDENCE, PETITIONS, &c.
laid before and offered to the HOUSE,**

DURING THE

Fourth and Last Session of the Fifteenth Parliament
O F
G R E A T B R I T A I N.

V O L. XII.

L O N D O N :

**Printed for J. DEBRETT, (Successor to Mr. ALMON) opposite
BURLINGTON-HOUSE, PICCADILLY.
M.DCC.LXXXIV.**

*Wm. L. Clements. Lib.
10 22-38*

C O N T E N T S

Of V O L U M E XII.

H O U S E OF C O M M O N S.

- D**EBATE on the Address, page 1
The Address, 24
The King's Answer, 26
The Queen's Answer, 27
Proceedings and Debates concerning Christopher Atkinson, Esq. 27, 96, 326, 351
Mr. Fox's first Statement of the Affairs of India, 29 to 49
Debate on the same, 49
Bill to explain the Tax on Receipts, 55, 59, 108
Debate on the Number of Seamen, 56
Mr. Fox's first India Bill debated, 67 to 92
Committee appointed to inquire into the State of Smuggling, 92, 99, 106
Petitions from the East-India Company against Mr. Fox's Bill, 92, 99
Mr. Fox brings in his second India Bill, 106
Counsel heard against Mr. Fox's India Bill, 112
State of the Affairs of the East-India Company in England, 114 to 124
Another State of the Affairs of the East-India Company in England, 140 to 171
Debate on committing Mr. Fox's first India Bill, 127 to 314
The House in Committee on Mr. Fox's Bill, and the Commissioners' Names inserted, 315 to 326
Motion to repeal the Receipt Tax debated, 331 to 348
Debate on the Report of Mr. Fox's India Bill, 348
— on the third Reading of the same, 352 to 404
Army Estimates debated, 405
Ordnance Estimates debated, 412
Debate on the Report of His Majesty's Opinion on Mr. Fox's East-India Bill, 420 to 448
Irish Postage Bill, 449
New Ministry appointed, 450
Debate on the Motion to adjourn the Land-Tax Bill, 451 to 461
Earl Temple resigns his Post of Secretary of State, 462
Debate on an Address to the King not to dissolve the Parliament, 463
The Address, 485
The King's Answer, 486
Debates on the Answer, 487, 584, 638
Debate on postponing a Message from the King, and bringing on the Order of the Day, 492 to 522
Debate on Mr. Fox's Motion to stop the issuing of the public Money, 523
Machinery

C O N T E N T S.

Mutiny Bill put off, 526

Debate on the Earl of Surrey's Motion,
that Ministers should have the Confidence of the House, 526

Debate on the Earl of Surrey's Motion,
that the late Changes had been preceded by extraordinary Reports, 528 to 540

The King's Message, 540

Debate on Mr. Pitt's Motion for Leave
to bring in his India Bill, 541

Debate on the Rumour of a Place having been offered to a Mr. Hamilton, 562, 618

Interview between the Earl of Galloway
and General Ross, 569

Debate on the Yorkshire Petition for a
Reform of Parliament, 570

Debate on the first Reading of Mr. Pitt's
India Bill, 575 to 583

Debate on Lord Charles Spencer's Motion,
declaring the Ministry did not enjoy the Confidence of the House, 585 to 605

Debate on the Rumour of an Union of
'Parties, 606 to 617

Debate on the second Reading of Mr.
Pitt's India Bill, 618 to 637

Magistrates changed at Harwich, 637

THE
HISTORICAL
OF THE
PROCEEDINGS AND DEBATES
OF THE
HOUSE of COMMONS,
In the FOURTH SESSION of the
Fifteenth Parliament of GREAT BRITAIN.

Tuesday, November 11.

AS soon as the Speaker and members returned from A. 1783. the House of Peers, to which they were summoned to attend his Majesty, and that the business of swearing in new members, and issuing writs was over, the King's Speech was read from the Chair [for which, see Lords' Debates]—after which,

The Earl of *Upper Ossory* rose to move an Address in answer to it. He said, that unaccustomed as he was to speak in public, and conscious of his want of the powers of persuasion, he would not have undertaken the task of calling upon the House to vote an Address of Thanks, if he was not convinced that every part of the speech which had been just read, was perfectly unexceptionable; and therefore he was confident that an address in reply to it, would meet with the unanimous approbation of gentlemen of every description within the walls. The Speech, he observed, recapitulated the principal political events that had taken place during the recess of Parliament. The definitive treaties of peace, between the Court of Great Britain and those of France and Spain, and the United States of America, had been happily concluded; by which the seal was put to the pacification that had freed this country from a calamitous and expensive war.

The Earl
of Upper
Ossory.

Though these treaties were, in substance, the same as the preliminary articles of peace, still there were some differences, which, though not of a very important nature, were nevertheless beneficial to the country, and marked the attention of his Majesty's Ministers to the interests even of individuals, as well as of the public; stipulations were made in the definitive treaty with France, in favour of the British subjects who held lands, &c. in the ceded island of Tobago, whose interests seemed to have been overlooked in the preliminary articles; and the gum trade, of so much consequence to the nation, was much more satisfactorily secured than it was by the preliminary treaty. He did not mean, in mentioning these circumstances, to cast any reflection on the late Administration; his object was only to shew that the present Ministers attended even to the most minute interests of this country. The speech recommended to the serious attention of the House, the present state of the affairs in India; this was surely an object well worth the consideration of Parliament: our possessions in the East were now become the brightest and most valuable gem in the British diadem, and consequently they ought to be the objects of the greatest care; how they became the property of England would astonish the world; that a company of merchants should conquer the greatest and most valuable part of the Mogul empire, was an event in itself so extraordinary, that it stood unparalleled in the annals of the world. The wisdom of Parliament should exert itself to secure conquests so unexpectedly acquired, and which contained resources to which this country might look with singular satisfaction. He trusted that the wisdom of that Administration, who so properly brought forward the subject to the notice of Parliament, would suggest such a scheme for the government of India, as would secure the advantages of these territories, and restore our name to its former brilliancy in the East. The speech touched upon the state of public credit, and of the revenue; this surely was a subject, than which scarce any could be more important, or with more propriety be recommended to the House by his Majesty. Delivered as we were from the calamities of an unfortunate war, it would well become Parliament to deliberate on the means most likely to restore public credit, and maintain it. Our honour as a nation was concerned in preserving inviolate the faith pledged to the creditors of the public; and this could be best done by making such arrangements as should appear most advisable to check the

the

the growing evil of smuggling, and consequently to raise the revenue to such a degree, that it should be found not only sufficient to defray all the expences of the different establishments that must necessarily be kept up, but also to produce an overplus that might be applied towards the extinction of some part of the national debt. The honour of the British nation, even in the midst of the most serious reverses of fortune, had not been sullied : the late war, which he was happy to say was now finally terminated, had been remarkably unfortunate to us ; but still it served to place the British character for martial deeds in the highest point of view ; no nation was ever involved in a more arduous struggle ; and no nation ever maintained one with so much firmness and so much valour ; the deeds achieved by British arms during this war, would be recorded in the book of fame ; and while intrepidity, virtue, and patriotism should be revered among men, the names of the illustrious chiefs who had signalized themselves in the war would never be forgotten. The consequences however of the struggle would still be felt ; the deficiencies of the taxes laid on to support it must be made good ; and even now that we were at peace with all the world, we must impose fresh burdens on ourselves : the funded and unfunded debt must be provided for ; the public faith was pledged ; and he made no doubt but the House would heartily concur with his Majesty's wishes, in finding out means, which, while they should maintain the faith, and uphold the credit of the nation, might be as little burdensome as possible to the people. Such were the great objects of the King's speech ; the address that he should have the honour to move, would pledge no man to any thing more than to agree with his Majesty in the importance of these objects, and to assure him that the House would give them the most serious consideration ; the address had no retrospect to any measures of former Ministers ; and it had a prospect only to such as every member must be convinced were absolutely necessary. His Lordship concluded by moving,

“ That an humble address be presented to his Majesty, to congratulate him on the birth of a princess, and the safe recovery of his most amiable Consort ; and to thank him for the paternal care and satisfaction he expressed in having concluded the definitive treaties with the courts of France and Spain, and with the United States of America : also for having ratified the preliminary articles with the States General of the United Provinces ; and the assurance he has given

that there is no doubt but that all those powers agree with him in a sincere inclination to keep the calamities of war at a great distance.

“Assuring his Majesty that we will give every assistance in our power to maintain and improve the valuable advantages derived from our Indian possessions, and to promote and secure the happiness of the native inhabitants of those provinces.

“That the security and encrease of the revenue in the manner least burdensome to his subjects, will be amongst our first objects; and as in many parts it has essentially suffered by dangerous frauds that have prevailed, and alarming outrages that have been committed; and although exertions have not been wanting to repress the daring spirit, yet no pains shall be spared to enquire into its true causes, and to provide such remedies as may be found wanting for the accomplishment of purposes in which the material interests of this nation are so deeply concerned.

“To thank his Majesty for having made a reduction in all his establishments as low as prudence will admit; and to assure his Majesty, that his faithful Commons participate with him in the satisfaction he feels in its being a step towards the relief of his subjects; and to assure his Majesty, that he may rely on that fortitude which has hitherto supported this nation, under many difficulties, and for bearing those which the present exigencies require, and which are so necessary for the support of the national credit.

“To assure his Majesty, that it is our earnest desire to direct all our deliberations to the honour of his crown, the safety of his dominions, and the prosperity of his people.”

Sir Francis Bassett.

Sir *Francis Bassett* seconded the motion. He said he had very little to add to what the noble Lord had said upon the subject. He congratulated the House on the happy circumstance of having the definitive treaties concluded, and upon his Majesty's assurance in his most gracious speech that all the late belligerent powers agreed with him in the sincerity of their wishes to keep the calamities of war at a great distance. He enlarged on the blessings of peace; and said, that on its long continuance depended the future welfare and prosperity of the kingdom. In compliance with custom, he would make a few remarks on the address, which was an answer to the King's speech: first, it called upon the House to thank his Majesty for having concluded the definitive treaties; to this no one could have an objection, as the treaties were

were in substance the same as the preliminary articles, which had been signed during the last session of Parliament; he said nothing of the merits or demerits of these articles; but having been once signed, the public faith was pledged, and it of course became necessary to sign definitive treaties; and the alterations the latter contained were so much for the better, that he was sure that to this part of the address there could not be a dissentient voice. The state of India was recommended from the throne, and the House was called upon to thank his Majesty for this recommendation. He believed that the great importance of our possessions in India appeared so obviously to every member, that the House could not enter too soon upon that great business. They were become our last and best resource; and, if properly governed, might become the great support of the finances of this country. He made no doubt but his Majesty's Ministers would bring forward such a system of government for that quarter of the world, as would be found productive of the most solid advantages to the state. Hitherto India had been looked upon as the place, where the ambitious man could gratify his most unbounded wishes to accumulate wealth, and where the luxurious spendthrift might best repair a shattered fortune; the unfortunate inhabitants became a prey to both, and might well detest a government that could countenance such proceedings. For the safety therefore of these invaluable possessions, it would be necessary to pay the greatest attention to the interest and happiness of the native inhabitants; this was an object to which the address would bind the House to turn their thoughts; and surely no man, who understood the interest of his country, and wished to promote it, would feel any objection to bind himself on such an occasion. The state of the revenue was another great object of consideration: the frauds committed by smugglers were now grown to such an enormous height, that the interposition of the legislature was become absolutely necessary. During the war, the smuggling vessels swarmed on the coast; the Humber was full of them; they carried to the enemy intelligence of the sailing and arrival of our shipping, and did us inconceivable damage. These vessels were manned principally by natives of Great Britain and Ireland: he could speak of the mischief they did, better than many other gentlemen, because living in a maritime county, he had opportunities of being frequently a witness to the proceedings of the smugglers. He remembered that a smuggling

gling vessel having been carried into a Cornish port during the war; he found that though she was French, there were, out of 40 hands on board, 25 men who were subjects of Great Britain. To check the progress of the growing evil of smuggling, ought to be an object near the heart of every man who wished to encrease the revenue, and support public credit; and therefore he was sure that, to that part of the address which promised that the House would seriously attend to that object, there could not possibly be any opposition. The nation had just been freed from a war, which had been truly calamitous; but still its honour had been most gloriously maintained; the distinguished characters of the war would never be forgotten; the names of Rodney, and other gallant commanders, both by sea and land, whenever mentioned, must keep up the memory of British glory, nobly won in the most hazardous war in which any nation had ever been engaged. Our calamities had been great, and our expences enormous; it would be our duty to avail ourselves as much as possible of the happy return of peace, to put our finances in such order, and raise public credit to such a height, as would enable us to recover our station of respectability in the scale of Europe, as a formidable nation: *post varios casus, post tot naufragia portum*; we had after the calamities of war got into the haven of peace; it would be the duty of Parliament to second the wishes of his Majesty, in adopting such measures as should be found most likely to preserve the credit of the nation, and maintain its faith. He concluded by saying, that if the noble Lord who had preceded him, had thought proper to apologize to the House for having taken up their time, it was much more necessary for him to make an apology for having remained so long upon his legs, when he had nothing to offer which had not been anticipated by the noble Lord.

Sir Joseph Mawbey.

Sir Joseph Mawbey caught hold of the *post tot naufragia portum*, quoted by Sir Francis, and took from it an opportunity to speak his sentiments of the coalition. He said, that if the *portum* meant the coalition, he could not thank his Majesty for bringing us into such an haven of peace, for he detested the coalition. It was not an haven of peace; but on the contrary, a port more to be dreaded than the Bishop and his Clerks (a set of rocks) —it was made up of such heterogeneous matters; and he never could have confidence in the measures of a ministry, one half of which had for twelve years together shewn their incapacity to govern. He paid many

many high compliments to the private character of Lord North ; he believed him in private life an honest, upright, and honourable man ; but as a statesman, he had ruined the country ; and he could not think it decent or proper to concur with that noble Lord in an address of thanks to the throne for having concluded a ruinous war, of which the noble Lord had been the author ; nor could he ever bear to see the affairs of this country in the hands of the man, who had reduced the greatness and power of the British empire. He applauded the peace ; and said, that if it had been last session denied to be a good one, the events of the past summer, and the low state of the funds, proved it to be not only necessary, but the only thing that could have saved the country from absolute bankruptcy and ruin. He reminded the House, that the present ministers had strongly condemned the preliminary articles last session ; and observed, that it ill became them now to call upon the House to return thanks for their having concluded and signed definitive treaties, grounded upon and almost exactly the same with those preliminaries which they had so lately reprobated. He declared, that had he felt the same disapprobation of the preliminary articles, expressed by the present Ministers, and been in their situation, he would have refused to conclude any treaty built upon their basis. Sir Joseph was on his legs for some minutes ; but from the noise that prevailed in the house while he was speaking, we were able to catch only at the few observations that we have reported.

The Right Hon. *W. Pitt* rose next : he said, that he intended to give his hearty affirmative to the address moved by the noble Lord ; and as there was not one exceptionable idea expressed either in the speech or address, he was of opinion, that the unanimity so often recommended from the throne, but so seldom seen, would appear on this occasion, when he could, without any impeachment of his character for consistency, vote with every member of administration on the present question. He would not take a view of the circumstances which had happened during the recess, nor commence any captious opposition. The motion was framed in a becoming manner ; it pledged the House to nothing specific on the topics which it stated, but expressed assurances of loyalty, zeal, and readiness, which gentlemen from all sides must be eager to testify to the Crown. To the first part of the address, which thanked his Majesty for concluding the definitive treaties of peace, he must necessarily give his assent, as
these

Right Hon.
W. Pitt.

these treaties were, according to the noble Lord, in substance the same as the preliminary articles : he had therefore to congratulate his country, and at the same time to felicitate himself, and those with whom he had acted, that notwithstanding all the objections which had been stated to the preliminary treaties, the definitive treaties were avowedly little more than a transcript of them ; he had therefore to rejoice, that by them the country had been rescued from the ruin that threatened it. He must however observe how singular it was, that the House should be now called upon to express their thanks for the signing of the definitive treaties, though they were in substance the same with those very preliminary articles, for the signing of which, that House had in the very last session refused to thank the Crown. The address on that occasion was substantially the same as that which was now proposed ; it was then negatived ; but it was now proposed to carry it : gentlemen must see that he would of course vote for it ; and the vote of this day would prove the panegyric of those Ministers to whom the House had on a former occasion refused their thanks. But while he was willing to vote for the address, he could not help observing, that it was to him a matter of surprise that the signing of the definitive treaties had been so long delayed ; and the more so, as they contained little or nothing different from the preliminary articles. Had any thing happened to justify the delay, he should like to hear of it ; but if nothing had happened that necessarily might occasion delay, he thought his Majesty's present Ministers culpable in having so long delayed the signing of them. As to the affairs of India, no one could be more convinced than he was of the necessity of attending to them most seriously, and without a moment's loss of time. He hoped that Ministers had thought maturely on that business ; and that they would come to Parliament with a well-digested plan, or rather system of government, for the British possessions in that part of the world. They were considerations of such vast magnitude, that they could not be too soon gone into ; they might, indeed, have been sooner settled ; and he looked upon Ministers to be as much pledged and bound down to bring forward a well-weighed and wisely-digested system, applicable to India, as men could possibly be. Nor would it be enough for them to attempt measures of palliation, or measures of a temporary nature, that would only effect delay, and increase the danger by removing its distance for a short period ; they must probe the matter to the bot-
tom,

tom, and apply a new, a complete, and a proper system, deeply considered, and fully matured. There were some among them who had been clamorous in calling for such a system; and from whom a system of the sort in question would naturally be expected. He was willing to say, that they were now become the object of the greatest consideration in the empire, one only excepted; gentlemen must foresee that he meant the state of the finances of this country. Distracted by a ruinous war, from which the preliminary articles had happily freed Great Britain, the finances ought to be the primary care of his Majesty's Ministers. Peace would be but of little avail to us, if the respite it afforded from hostilities and the expences of war, was not employed in endeavours to raise the sinking credit of the nation, and prevent those frauds which make the revenue unproductive. England could never expect to recover her situation among the nations of Europe, unless her Ministers, by a rigid attention to œconomy, should make her revenue at least equal to her expenditure: something more might be expected, a redundancy might be raised, which by being employed in extinguishing some part of the national debt, would furnish us with the means of carrying on with vigour a future war; an event, however, which he hoped was far, very far remote. He recommended to Ministers to act with boldness; they must not conceal from that House, much less from the nation, the state of their affairs: the amount of the funded and unfunded debt should be laid before them; they should be made acquainted with their situation; nothing should be held back or concealed; the people would then be convinced of the necessity of submitting to new burdens, and would bear them cheerfully, knowing that by no other means the public credit could be supported. Our situation was undoubtedly new in many respects, it therefore called more loudly for enquiry; nor could prosperity be expected if the danger was shrunk from, or the true state of the nation concealed. The country was under great difficulties, it was true; but still it was neither ruined, nor its condition irretrievable, if proper, wise, and vigorous measures were proposed by Ministers, and Parliament had the fortitude, so well recommended in the speech from the Throne, to meet the difficulties of our situation, and consent to bear such burdens cheerfully, as were absolutely necessary to support the national credit. Every part of the speech and address had his most cordial approbation: but he lamented that the speech, and the mover and seconder of the address,

were silent on one particular point, on which he might have expected to hear a great deal. Gentlemen would easily anticipate, that he meant the commercial treaty with America. During the last session of Parliament, and very soon after the signing the preliminary articles, the late Administration had been frequently reproached for not having been able to conclude in a very short space of time, a treaty, which to those who were not then in the cabinet, seemed to be a work of the greatest facility ; and yet a considerable part of that session, and the whole recess, had passed away, and the commercial treaty, once pronounced to be so very practicable in its nature, was not so much as mentioned in the speech. Ministers had sent to Paris a gentleman, of all others, as they themselves said, the best qualified to treat on commercial matters ; a gentleman not a little sanguine of success in his undertakings, certainly not of a desponding turn of mind ; and yet this gentleman, not much accustomed to imagine or describe any thing in a short compass, after having exerted all the inexhaustible resources of his genius, has returned from Paris, without bringing any commercial treaty with him. He also contended, that if censure lay against the Administration, in which he had borne a share, for not having mentioned the treaty of commerce in the provisional articles with America, still greater blame was imputable to the present ministers, for having signed and concluded a definitive treaty with America, without taking the least notice of it. He mentioned the confidence with which those Ministers had formerly insisted on the possibility of such a treaty's being suddenly and speedily concluded ; but said, they began to talk of this being so practicable with somewhat less confidence towards the end of the session, when the time of the operation of a bill then in discussion, giving them power to act discretionally, was extended very considerably by the Lords ; and the alteration, material as it was, passed in that House in a manner unnoticed, and, he believed, almost unknown to the majority of the members, the attendance being on the particular day extremely thin. However, the nation had a right to expect, that without delay, a complete commercial system, suited to the novelty of our situation, should be laid before Parliament ; he was acquainted with the difficulty of the business, and would not attribute the delay hitherto, to any neglect on the part of the present Ministers ; he was willing to ascribe it to the nature of the negotiation ; but he expected, however, that the business would soon be brought

brought forward; not by piece-meal; but that one grand system of commerce, built on the circumstances of the times, should be submitted to the House for their consideration. If the measures that Ministers intended to propose should meet his ideas, he would not endeavour by an ignoble opposition to defeat them; but would, on the contrary, give them all the support in his power.

Mr. Secretary *Fox* returned his warm thanks to the honourable gentleman, and said, that few things could give him greater satisfaction than to find that both the speech and address appeared unexceptionable to him, and that they were to be honoured with his support. At the same time he could not allow that there was any ground for the triumph of the honourable gentleman, when he exultingly observed that the present address to which the House were called upon to assent, was substantially the same with that to which, in February last, they gave a negative: the honourable member wished to fasten on the present Ministers the imputation of inconsistency; there was a circumstance that he had thought proper not to mention, which would make the inconsistency vanish. He (Mr. Fox) thought the preliminary articles such as the then situation of the country did not warrant; and yet he was ready to vote for this address; but why? because the signing of the preliminary articles had pledged the faith of the nation, and rendered the signing of the definitive treaties a matter not so much of choice as of necessity; and therefore as it had become necessary to conclude them, it was surely proper to thank his Majesty for having put the finishing to a treaty which he could not refuse to sign, without a violation of public faith. During the last session of Parliament, he had declared his opinion pretty roundly about the preliminaries of peace; he then pronounced them to be less advantageous than, from the relative situation of affairs, this country had a right to expect. He still was of that opinion, and considered the preliminary articles, in every point of view, as inadequate to our claims; and he begged leave to call back to the memory of the House the situation of our affairs at that time. In the East Indies, where our affairs had been said to be the most desperate, what had happened to make us rejoice that peace had been concluded?—Had any Englishman looked to an engagement between the British and French fleets, in that quarter of the world, with any other apprehension, than that which every humane man feels, who repines at the prospect of an event by which much human blood

blood must be shed, and uselessly too, after a peace is concluded? When any man said that our fleets had decreased, and our finances had been disordered, and then assigned these circumstances as reasons for concluding such a peace as the last, it was incumbent on that man to prove, that the decrease in the one, and disorder in the other, had taken place simply, and without being accompanied by similar misfortunes in the fleets and finances of the enemy; for if, when it is proved that we have suffered, it is also made manifest, that the enemy has suffered in the same proportion, then the relative misfortune on our side cannot be set up as a good argument to justify the making of the late peace. Our finances, it was true, were not in as good a state as we could wish; but in order to shew that the state of our finances pointed out the necessity of making peace to avoid a national bankruptcy, it ought to be proved that the treasury of the enemy was in such a state, as to set bankruptcy at defiance: he believed that the honourable gentleman would not think himself justified from any event that happened this summer (alluding to the failure of the Caisse d'Escompte in Paris) to undertake to prove that the French treasury was in any such condition. It was therefore fair to say that the preliminary articles did not answer the claims of the public, nor satisfy their expectations; but the right honourable gentleman's argument that these were in fact the same, and that therefore the thanks in the present instance was an eulogium on the Ministers who made the peace, was not well founded—There was a little circumstance which made a material difference in the comparison. The faith of the nation was to be taken against the situation of the country. Knowing and feeling our pretensions to better terms; incapable of accepting such as we had procured; the present Ministers yet ratified the treaties. They had no alternative; and therefore it was not to be stated that the cases were parallel, or that there was any comparison between the preliminary articles and the definitive treaties.

“ But the definitive treaties might have been concluded sooner, especially as there was no difference.”——Certainly if there was no difference they might have been procured sooner; but was there not great and essential difference? Were there not points obtained which more than justified, and which more than compensated for the delay of a few weeks or even of a few months? They might have been concluded sooner perhaps; it was his opinion they might; but

but in this their conduct was to be judged of fairly ; it must be enquired what they had gained by the delay, and what they had suffered. If they had procured certain points which were before doubtful or obscure, and that without incurring expence, certainly the delay would be approved of; and on this ground he wished the matter to be tried. If the right honourable gentleman would give himself the trouble to read and compare the preliminary and definitive treaties, he would find, that the latter was not an exact transcript of the former. There were some few variations, to some of which the noble Lord who moved the address had alluded ; either of which, in his humble opinion, was well worth the delay of a few weeks, or even of a few months. If the honourable gentleman would take the trouble to look to the 7th article in each, he would find, that by the preliminary treaty, the island of Tobago was to be ceded to France, but that no regard whatever had been paid to the protection of the Protestant and British inhabitants. Whereas, by the definitive treaty, it was evident, that care had been taken to stipulate every condition that could be asked for the protection of those, who had no longer the happiness to be the subjects of his Majesty ; they were now as effectually secured as when they were so. This alone he conceived to be a matter of some moment, and worth the delay complained of. Again, if the honourable gentleman would proceed a little farther in comparing the two treaties, he will find, that by the preliminary treaty, no boundaries were ascertained for our carrying on the gum trade ; whereas, by the 11th article of the definitive treaty, the boundaries were expressly laid down and described ; that ambiguity and want of precision which would have been the productive source of quarrels, was removed ; and it would not be easy to dispute on the meaning of the spirit of the article as now worded. According to the preliminary articles the gum trade was to be carried on in the same manner in which it used to be carried on before the year 1755 ; that is to say, when it was carried on by violence, and constantly attended by acts of hostility, which daily afforded grounds of quarrel, that might possibly in the end bring on a war, that would defeat the honourable member's laudable wishes for the establishment of a real sinking fund, for paying off some part of the national debt :—by the care taken during the late negotiation, the coast on which the gum trade might be carried on was ascertained, he hoped to the satisfaction of all the persons concerned

concerned in it; at least it was an advantage to have it ascertained. A third variation, if he carried his comparison a little farther, he would find in the 18th article, about the meaning concerning which so many doubts had been expressed in the House last session. The words ancient possessions stood in the preliminary treaties as the only description of the possessions of our allies in India, without any definition as to what time the word ancient referred. In the article in the definitive treaty it would be found, that the period was fixed and ascertained by the insertion of the year 1776. These three differences therefore were to be urged in defence of the delay in question. But there still remained a fourth, which occasioned more trouble than all the rest, and that, though the House in general might not immediately comprehend it, the honourable gentleman would fully understand, and that was, the settling the period for the negotiation of a treaty of commerce, which is now filled up in the definitive treaty with the words "within the space of two years, to be computed from the 1st of January 1784," which fixes the period for the negotiation to two years. Pending the negotiation, it was reasonable to suppose the three nations would in commercial matters be bound by the treaty of Utrecht: and this he imagined was the sense of the British Ministers. But supposing the two years should expire before the new commercial arrangements should take place, a question would naturally arise, What would, in this case, become of the treaty of Utrecht? For his part, he was of opinion, that the treaty of Utrecht would, in such a case, still remain in full force; but he knew, on the other hand, that this had not been the opinion of the courts of Madrid and Versailles, the Ministers of which contended, that if the negotiations should end without producing any new commercial arrangements, the treaty of Utrecht would in that case be completely annulled: the consequence therefore would be this, that Great Britain would be obliged to comply with all the requisitions of these two courts, or else adopt one side of this disagreeable alternative---either to live without any commercial intercourse between France and Spain, or to go to war with them, in order to procure advantageous terms of commerce. In either case this country must suffer: she must either consent to forego the benefits arising from the treaty of Utrecht, which had always been deemed highly beneficial; or else run the risk of losing all those blessings by a new war, which we might expect to derive from the peace

peace. By the delay that had intervened, all these difficulties have been removed; the treaty of Utrecht, and all others between France, Spain, and this country, have been unconditionally revived and renewed; so that let the negotiations for new commercial arrangements terminate as they may, England cannot be worse than she is: if the negotiation should succeed, so much the better; if it should not, then she will find herself just where she is, in the full enjoyment of the benefits of the treaty of Utrecht, and this would be finally settled in two years from the 1st of January 1784. If no other advantage had been derived from the delay, he thought it was well compensated; and now that the business was concluded, he would not hesitate to say, that, bound as he knew the public faith to have been by the preliminary articles, he would have concluded the definitive treaties on the basis of them, if the Ministers of the other belligerent powers had not thought proper to recede from the letter of them in these several instances. He hoped that from all he had said, the House would not think the delay had been useless; and that they would acquit him of inconsistency in condemning the preliminary articles in the last session; and yet calling upon gentlemen to vote for an address that approved of definitive treaties that were founded upon them: it was proper now to carry into effect, what it might have been better for the nation had never been proposed; but having once been done, there was a necessity to ratify it; and whatever the Ministers who advised the signing of the preliminary articles might think to the contrary, he was bold to say, that from a comparison of the losses and advantages on both sides, between France and England, he was convinced that the Ministers of the former power had, by making the peace when they did, rendered their country as great a service as had ever been rendered by any statesman, to any country, at the end of any war.

The honourable member was surprised that no commercial treaty with America had been signed: but, in fact, there was no ground for surprise; the late Administration had not been blamed, as the honourable member imagined, for not having produced a commercial system to Parliament; but for having, in the first instance, signed the provisional treaty, without having made any stipulations in favour of British commerce; and in the next, for not having brought forward some regulations adapted to the situation of the moment, which should hold, till a general system could be formed and adopted. For
his

his part, he was free to own, that he might have signed the definitive treaty with America sooner if he had thought it necessary ; but having all along looked upon the provisional treaty as definitive and absolute, when a particular event should happen, which has since taken place, namely, the peace with France, he did not think any ratification necessary. This was the language he had held in his dispatches to our negociators : but as the other powers were of opinion, that they ought not to sign the definitive treaties, until the provisional articles should have been previously ratified, he gave way, because he did not think proper to defer the signature of the definitive treaties with the other powers, until America and England could have settled the terms of a commercial treaty ; and also because he was of opinion, that the negociation might be better carried on in London or Philadelphia than in Paris. In the steps which they had taken, the utmost care and attention had been used to bring back to this country the minds, the affections, the commerce of America. The gentleman who was sent to Paris to negotiate this treaty, was qualified for the task, as much from his extensive knowledge of the interests of the two countries, as from his character for integrity, and the love of freedom : his abilities in this negociation had been apparent, and he deserved well of his country. He adverted to the measure of giving his Majesty in council discretionary powers for a limited time, in regard to the management of the commerce of the two countries. The right honourable gentleman's observations on that act certainly were not excited by any evil which had been experienced. No danger nor injury had as yet arisen from these discretionary powers : but had they not been extended in duration, he must before now have come to Parliament for fresh powers, as the system of commerce had not been settled.

The honourable member wondered that the India business had been so long postponed. On this point he was ready to take shame to himself ; for the state of our affairs in the East had for some time been such, that they could ill brook any delay. The honourable gentleman had declared, that there were in the present Ministry some, who had long ago been extremely clamorous for the adjustment of a system of government, applicable to the situation of our affairs in that quarter of the globe. In that some Mr. Fox acknowledged himself to be included : but important and pressing as the business of India undoubtedly was, he could very easily ac-
count

count for nothing systematic having yet been proposed to Parliament respecting it: the rapid change of Ministers for these last two years, was the reason why nothing had hitherto been done. Various committees, he observed, had been from time to time appointed by that House, and such infinite pains had been taken to investigate and enquire into the real state of our Indian territories; and such able and accurate reports had been made upon the subject, that no popular assembly could possibly be better informed, than that House was, relative to Eastern events, and the situation of our affairs there; but from the mere accident of the rapidly-succeeding changes of Ministry, it had been impossible to do any thing essential in the business. The Secret and Select Committees, who had so remarkably distinguished themselves by their assiduity and ability, had both originated in the administration of the noble Lord in the blue ribband; and as a learned gentleman had been appointed chairman of the Secret Committee, who lived at the time in great friendship and confidence with the Minister, it was not to be doubted but that the learned gentleman would have proposed something material upon the subject, if his administration had not been suddenly dissolved. The short administration of the noble Marquis, whose name cannot be mentioned without exciting the most lively regret in the breast of every well wisher to his country, left no time for entering upon that business; and even the noble Earl, who had been at the head of the last Administration, had not time to take any effectual measures to heal the wounds which former governors had given to India. The learned gentleman to whom he alluded lived in as much confidence with the noble Earl, as he had before done with the noble Lord, and certainly, if the time had not been too short, he would have brought forward resolutions on the evidence which came before him. During their continuance in office, however, it was well known that certain resolutions, touching the recall of a governor, grounded on one of the reports of the Select Committee, were proposed, and agreed to by the House; that the Directors of the East-India Company ordered the recall of the governor in question; that the General Court of Proprietors over-ruled the resolution of the Court of Directors; and that dispatches were made ready upon the business at the India house, and upon being sent to the Secretary of State for the home department for his inspection and concurrence, agreeable to an act of Parliament, Mr. Townshend stopped

them, and in his place stated to the House what he had done, and his reasons for so doing. In this, Mr. Townshend, in his opinion, had acted with great propriety; but all was anarchy and confusion, both in the East and in the Direction at home. What was done by the one, was undone by the other. There was no efficacy in the system of the government, and it was indispensably necessary that something should be immediately done: but as it then lay with the House to come to some resolution upon the business, the fault, certainly, was not imputable to any one of the Administrations he had mentioned. With regard to that, in which he had then the honour to bear a part, they came not into office till April; May was the earliest month that he could have brought in any bill; and when it was considered, that although that House was well instructed in the concerns of India, the other had not had the same opportunities for information, he thought it more advisable to delay the matter during a short recess, and to bring it on early in this session, than to precipitate a business so extremely important at the tail of the last, to put an end to which so general an impatience was expressed. To convince gentlemen, however, that it was his design to bring it forward immediately, he would take advantage of the full House that he then saw, and therefore give notice, that on Tuesday he should make a motion relative to India.

The honourable member had said, that with respect to the state of the nation, nothing ought to be kept back, but that all ought to be submitted to the public eye; and that such burdens ought to be cheerfully submitted to, as should be found necessary to restore public credit, and raise such a revenue, as would help to extinguish some part of the national debt. He rejoiced to hear this language from the honourable member, because he hoped, that when the state of the nation should be laid before Parliament faithfully and fully, the honourable member would support Government in laying on the burdens that should be found indispensably necessary. The public faith must be preserved inviolate; and as to all the nonsense of taxing the funds, and such doctrines as had been broached by writers, not anonymous writers indeed, but whose names lent no credit to their works, they had his execration. It was a measure which no honest Minister would take, and which, if any dishonest man presumed to take, no Parliament would justify or bear. Such a measure could never be adopted in such a government as
ours,

ours, where public faith and public credit were the same thing. From the general terms in which the right honourable gentleman had begun to mention the national faith and the finances of the country, he said, he had been led to imagine, that he meant to propose some enquiry that would keep the subject at a distance ; but the honourable gentleman had afterwards, in a manly and open way, declared the proper remedy to be applied. It was to look the situation of the country in the face, to determine to meet the difficulty, great as it professedly was, to provide for it, be the burden ever so grievous ; and to take care that the debt, funded and unfunded, be ascertained ; and neither to conceal the true state of it from the people at large, nor, what was still more unwise, to conceal it from themselves. There was a maxim laid down, in an excellent book upon the Wealth of Nations, Mr. Fox said, which had been ridiculed for its simplicity, but which was indisputable as to its truth. In that book it was stated, that the only way to become rich, was to manage matters so, as to make ones income exceed ones expences. This maxim applied equally to an individual and to a nation. The proper line of conduct, therefore, was by a well-directed œconomy to retrench every current expence, and to make as large a saving, during the peace, as possible. Nor was this all ; he would freely own that his wishes went much farther. He should not think a prospect of recovery was opened, and the country likely to be restored to its former greatness, unless Ministers contrived some means or other to pay off a part at least of the national debt, and did something towards establishing an actual sinking fund, capable of being applied to a constant and sensible diminution of the public burdens. To such a purpose he should most studiously direct his attention ; and he trusted, whatever might be the right honourable gentleman's private opinion upon politicks, the right honourable gentleman would lend his support to make a strong government, by which he meant not a strong administration, for the thing was the same, let who would be Ministers. In order to effect, however, this great, this desirable end, the dread of unpopularity must be surmounted, and the Ministry who flinched from the business upon so narrow-minded a principle, would not deserve support. The great difficulty lay in drawing the line, and distinguishing how far the public, in time of peace, could bear to be additionally burdened, or how far it was prudent for Ministers to go. It might be contended, that the people ought not to be so far pressed, as

to deprive them of all elasticity and vigour in case of the chance of another war. This argument had its weight to a certain degree ; but he should think it better policy to make them temporary than lingering sufferers. If that House would but have the fortitude to lay aside local prejudices, and the fear of a momentary unpopularity, and would look only to the general welfare, the path to prosperity would be considerably smoothed, and the national prospect would brighten apace. Whenever the present Ministry were found to shrink from their duty in this respect, he desired the House to withdraw their support ; but it depended upon Parliament to give execution and effect to the plans that Ministers should propose. He wished, however, most earnestly to impress this idea upon the minds of the House, that strengthening the hands of government, was not strengthening the present Administration. It was not a matter of party, or of one side of the House against another. It was essential to the deliverance of the empire ; and he was ready to declare his opinion, that though our affairs were deranged and bad, they were not desperate. He did not view them with the melancholy eye that some men were fond of considering them withal, nor would he venture to propose the remedies which were suggested. The funds, he said, were unexpectedly and unreasonably low ; they ought not to be as they were : but at the same time he did not indulge the illusive hope, that they would suddenly rise, and stand at a much higher price. This, however, he was convinced might be done ; our expences might be brought considerably within our revenue : and this was the prospect ; the easy, simple, practicable project upon which he would rely, in preference to all the sanguine schemes, and to all the desperate remedies, which weak men in their ignorance might suggest. It was that which would give permanency and actual use to the sinking fund, which would leave it annually at the disposal of Parliament, to be appropriated as the necessities might require. To obtain this durable situation, great reforms must yet be made, and much must depend on the virtue, constancy, and ability of government. If he could indulge himself with the idea, that the unanimity of this day, an unanimity which gave him the most sensible delight, was the earnest of future temper, moderation, and union — If he could see the prospect, that the spirit of dissention was at length to give way to the necessities of the country, and that at least they were to suspend their personal animosities till the

the deliverance of the country was accomplished, he would, indeed, be warm in his expectations, and believe that a very few years would behold us in renovated strength and splendor. He thanked the right honourable gentleman for his conduct on that day; and professed his happiness, that the speech from the Throne, and the address in return to it, met so cordially with the approbation of gentlemen from all sides, and that the address would be carried to the Throne with unanimity.

Commodore *Johnstone* gave his approbation to the speech and address; he approved greatly of what had fallen last from the right honourable Secretary; and he believed that what had been said by him and the honourable gentleman who spoke before him (Mr. Pitt) would greatly contribute to restore public credit. He then adverted to the affairs of India: he said that the news which had lately arrived from that part of the world, might with truth be said to be the most satisfactory that had ever been brought from any country; the peace with the Mahrattas, from whom every thing had been apprehended, was ratified and completed; Tippoo Saib was driven from the Carnatic, and 15 of his strongest forts in his own country taken from him: all this had been effected by the abilities of Mr. Hastings as a statesman, before any news of the peace in Europe had reached Bengal. The peace with the Mahrattas was, of itself, so difficult, and so unexpected, that an honourable member of that House, who imagined it would never take place under the auspices of Mr. Hastings, having heard that it had been actually ratified, but that the Mahrattas waited for what they call a fortunate day, on which the ratifications should be exchanged, had often asked him when the fortunate day would come, as if he meant that it would never arrive. "I asked him, said the Commodore, what he would say and think of Mr. Hastings, if that fortunate day should arrive, and that it should be found that nothing but that circumstance had delayed the exchange of the ratification?" "I will then, replied the member, think Mr. Hastings deserving of every mark of respect that this country could shew him." "I hope, therefore, observed the Commodore, that as the honourable member must now be fully convinced that the fortunate day has actually arrived, and that the ratification is exchanged, he will himself move the thanks of the House to Mr. Hastings." He denied that our territorial acquisitions in India had been made by a mere company of merchants,

Commodore
Johnstone.

chants, bent on the extension of mercantile objects only, to the surprise and almost beyond the belief of those now living, and undoubtedly in a manner so wonderful, as to exceed the possible credibility of posterity, as the noble Lord, who moved for the address, had declared. He admitted, that in the system pursued by that company to obtain their acquisitions, and afterwards to govern them, there might be something wrong, and something that called for correction; but he cautioned Ministers against the gross error of rejecting the whole of their system as absurd. He reminded them, that those who obtained the acquisitions, and had held them so long, could not have acted with unremitted blunders in their conduct, and had them recollect the fate of America, which had begun to estrange itself from a connection with Great Britain, only when we began to think the government of the colonies wholly wrong, had proceeded to violate their charters, and to force them to submit to a system of governing never before practised. The Commodore said farther, that men of the greatest abilities could not judge of the fittest mode of governing India by intuition, that men of experience in the affairs of that country must be advised with, and that therefore he hoped, his Majesty's Ministers would not proceed to enforce a plan of their own, without consultation with those, who were best able to inform them, what system was most applicable to India, and what was most otherwise. He expected that some notice would have been taken of the Governor of Bengal, or at least of the great and desirable events in India—something of congratulation on the accomplishment of the peace, he looked for in the speech from the throne, and he trusted the House would, at a proper time, remedy the defect, by voting their thanks to Mr. Hastings.

Mr. T. Pitt.

Mr. *Thomas Pitt* observed, shortly, in answer to Mr. Fox, that if, as he had stated in justification, that the definitive treaties were in substance the same as the preliminary articles, that the latter were necessarily bound by the former, and that therefore he could not alter them without breaking the faith of nations, in that case they were not objects of thanks to the crown, but merely of acquiescence to those who disapproved of the preliminary articles by which they were controled. As to the explanations and amplifications he had stated as having been obtained by him, not contained in the former articles, it was in the nature of a definitive treaty, to explain and elucidate preliminary articles,

ticles, and could therefore no more be claimed as merit by him, than it could be brought to detract from the merit of his predecessors, who never could imagine, that preliminary articles, which are only the basis of treaty, can be as precise and determinate as the definitive articles, that are to be built upon them. With regard to the motion that day se'n-night upon East India affairs, he only hoped that the whole system intended would then be laid before the House, when he would give it his serious attention; but that he should expect the whole of the plan, and not to be surprised into the giving his assent or dissent to any part of it, in a previous step, which might embarrass him afterwards in the consequences.

General Smith said, he would not take up two moments of the time of the House; but he could not sit still, and hear opinions delivered upon particular subjects, from which he differed, without declaring that he did so. An honourable gentleman, he observed, had expressed his surprise, that his Majesty's Ministers had said nothing in praise of the person principally concerned in concluding the Mahratta war: whenever the subject came properly before the House, he should state his reasons, why he thought that person entitled to no particular praise.

The motion was then read from the Chair, and agreed to *nemine contradicente*: a Committee was appointed to draw up an address thereupon.

November 12.

The Earl of Upper Ossory reported from the Committee, that they had drawn up an address to his Majesty, which they had directed him to report to the House; and he read the same in his place. He then delivered it at the table, where it was read, and agreed to by the House *nemine contradicente*.

It was then ordered, that such members of the House, as were of his Majesty's most honourable Privy Council, do humbly know his Majesty's pleasure, when he will be attended by this House.

Lord George Augustus Henry Cavendish called the attention of the House, to a motion which he was confident would meet the most cordial and heartfelt approbation of every gentleman, and as it was unnecessary to press it on the House by argument, he would move, and it was resolved unanimously, that a message be sent to the Queen, with the

the sincere and hearty congratulations of this House on the joyful event of the birth of another Princess, and on her Majesty's happy recovery; and to assure her Majesty, of the zealous and dutiful attachment of this House.

Ordered, that Lord George Augustus Henry Cavendish, Colonel Stanhope, Lord Charles Spencer, Mr. North, Mr. Fitzwilliam, Mr. John Townshend, and the Lord Viscount Duncannon, do attend her Majesty with the said message.

The Select Committee appointed to take into consideration the state of the administration of justice in the provinces of Bengal, Bahar, and Orissa, was revived, and the documents referred to it.

General
Smith.

General *Smith* then stated to the House the situation of India affairs, in regard to the particulars which belonged to the object of the Select Committee, and said that it was something very singular, that Sir Elijah Impey had sat as President of the Court of Judicature, posterior to the arrival of the orders of recall in India. This certainly demanded the attention of Parliament; and he hoped every gentleman would seriously consider the subject, and come prepared next week for a full discussion; and for this purpose he moved, that an humble address be presented to his Majesty, that he will be graciously pleased to give direction, that there be laid before this House, copies of all orders that have been sent to the East Indies, or to the East-India Company, relating to the recall of Sir Elijah Impey, Chief Justice of the Supreme Court of Judicature in Calcutta.

November 13.

The House went up in procession to St. James's, and presented to his Majesty the following address:

“ Most Gracious Sovereign,

“ W E, your Majesty's most dutiful and loyal subjects, the Commons of Great Britain in Parliament assembled, beg leave to return your Majesty our humble thanks for your Majesty's most gracious speech from the throne.

“ Affectionately and dutifully interested in whatever concerns your Majesty's domestic happiness, we beg leave to offer our most sincere congratulations on the birth of another princess, and to express our unfeigned joy at the happy recovery of the Queen.

“ We are gratefully sensible of the paternal regard for the welfare of your people, which has induced your Ma-
jesty

jeſty to conclude definitive treaties of peace with the courts of France and Spain, and the United States of America, and to ratify preliminary articles with the States General of the United Provinces; and we beg your Maſteſty to accept our moſt humble thanks for having graciously ordered thoſe ſeveral treaties to be laid before us. We have great ſatisfaction in learning that your Maſteſty has no cauſe to doubt but that all thoſe powers agree in ſincere inclination with your Maſteſty to keep the calamities of war at a great diſtance.

“ We entertain a juſt ſenſe of the importance of the objects which demand our attention; and we acknowledge, with thanks, the anxious ſolicitude for the public good which has induced your Maſteſty to give us, thus early, an opportunity of taking them into conſideration. Your faithful Commons are ſenſible that the fruits of thoſe enquiries, which they have ſo long purſued, are now juſtly expected, and that the ſituation of the Eaſt-India Company claims our utmoſt exertions to provide, in the moſt effectual manner, for the maintenance and improvement of the valuable advantages derived from our Indian poſſeſſions, and to promote and ſecure the happineſs of the native inhabitants in thoſe provinces.

“ The ſeaſon of peace will call for our attention to every thing which can recruit the ſtrength of the nation, after ſo long and ſo expensive a war.

“ We acknowledge your Maſteſty’s paternal goodneſs in recommending ſuch means of increaſing and ſecuring the public revenue, as may be leaſt burdensome to your ſubjects. The frauds which have prevailed in many of its moſt eſſential parts, as well as the outrages which have been committed, are truly alarming; and we have the full eſt confidence that no exertions have been wanting to reſreſs this daring ſpirit, nor pains to enquire into its true cauſes. In thoſe inſtances in which the powers of Government may not be found equal to its utmoſt care and vigilance, we ſhall uſe our utmoſt endeavours to provide ſuch remedies as may apply to this evil, and ſuch means as may be found wanting to the accompliſhment of purpoſes in which our material intereſts are ſo deeply concerned.

“ We beg leave to aſſure your Maſteſty, that your faithful Commons will chearfully grant your Maſteſty ſuch ſupplies as may be found neceſſary for the ſervice of the year; acknowledging, with the utmoſt gratitude, your Maſteſty’s

with, from the 1st of January, 1778, to the present time, with the reasons and grounds on which they have been repealed or dispensed with.

Ordered, that there be laid before this House, copies of the resolutions of the General Courts of the East-India Company in June and October, 1782, and of the 7th instant.

November 18.

Sir Thomas
Davenport.

Sir *Thomas Davenport* moved, that Christopher Atkinson, Esq. a member of this House, be ordered to attend in his place on Wednesday. Ordered.

Lord Ma-
hon.

Lord *Mahon* moved, that an account of the nett produce of the taxes, from 1782 to 1783, specifying the particulars, and including the amount of the totals, should be laid before the House. His Lordship said, that his reason for making this motion was, that he intended to take up the business of taxes, if Ministers should neglect, and to propose to the House that the people of England should be untaxed before they were burdened with any farther taxes, or, in other words, to make the revenue more productive by taking off some taxes that depress it, by encouraging smuggling.

Lord John
Cavendish.

Lord *John Cavendish* declared his determination to adopt every measure which promised rationally to ease the burden of the people.

Ordered.

LA. Mahon.

Lord *Mahon* then moved for the following papers, which were also ordered :

An account of the quantity of all articles which paid more than 1000*l.* to the customs, with the nett rate of duty, and the amount of the duty on each article, from Christmas, 1779, to Christmas, 1780; together with the totals of such duties.

An account of the quantity of all articles which paid more than 1000*l.* to the customs, with the nett rate of duty, and the amount of the duty on each article, from Christmas, 1780, to Christmas, 1781; together with the totals of such duties.

An account of the quantity of all articles which paid more than 1000*l.* to the customs, with the nett rate of duty, and the amount of the duty on each article, from Christmas, 1781, to Christmas, 1782; together with the totals of such duties.

An account of the quantity of all articles which paid more than 1000*l.* to the customs, with the nett rate of duty,

duty, and the amount of the duty on each article, from Christmas, 1782, as far as the same can be made up; together with the totals of such duties.

A petition was presented from the Justices of the county of Gloucester, on the crowded and dangerous state of their jail.

Sir *Charles Bunbury* rejoiced that the spirit of the magistrates of Gloucester had brought to the knowledge of Parliament a calamity, that he feared was not confined to the jail of that county, but was felt in every other county in England. The daring outrages of felons called aloud to Parliament; the innocent traveller never stood so much in need of protection; and he flattered himself that his right honourable friend, (Mr. Fox) whose penetrating eye pervades every part of the empire, and would not suffer the Gentoo to be oppressed at the distance of half the globe, would not forget or overlook his fellow subjects at home; but would take such measures as should enable the traveller in England to pursue his way, without being in danger at every step of being robbed or murdered.

It was ordered that the petition do lie upon the table.

SYSTEM OF GOVERNMENT FOR INDIA.

Mr. Secretary *Fox* came into the house about half after three, and in a few minutes called the attention of the House to the important subject of a total revolution in the system of the East-India government. He prefaced his propositions with moving,

That an act, made in the 13th year of the reign of his present Majesty, entitled, "An act for establishing certain regulations for the better management of the affairs of the East-India Company, as well in India as in Europe:" An act, made in the 20th year of the reign of his present Majesty, entitled, "An act for continuing in the possession of the United Company of Merchants of England trading to the East Indies, for a farther time, and under certain conditions, the territorial acquisitions and revenues lately obtained in the East Indies; and for reviving and continuing, for a farther time, so much of an act, made in the 13th year of the reign of his present Majesty, entitled, An act for establishing certain regulations for the better management of the affairs of the East-India Company, as well in India as in Europe, as hath expired in the course of the present year; and for indemnifying the said Company for
any

any money they have paid, or may pay, in or about the building of three ships of the line for the service of the public:" The resolutions which, upon the 29th day of April, 1782, were reported from the Committee of the whole House, to whom it was referred to consider farther of the several reports which had been made from the Committees of Secrecy, relating to the affairs of the East-India Company, and which were then agreed to by the House, together with the proceedings of the House thereupon: The resolutions which, upon the 16th day of May, 1782, were reported from the said Committee of the whole House, and which, upon the 28th day of the same month, were agreed to by the House, together with the proceedings of the House thereupon, might be read; and the same being read accordingly,

The right honourable gentleman said, that in the state of responsibility in which he was going to put himself by the proposition he should have the honour to move, he felt much comfort and consolation in this circumstance, that the measure to which he should call the attention of the House was not of choice, but of necessity: it was no idle speculation on his part; the business forced itself upon him, and upon the nation; and if he even would, he could not avoid or defer the discussion of it. The deplorable situation of the East-India Company was well known, and universally admitted; their extreme distress, and the embarrassed state of their affairs, not only called for the aid of Government, but required its immediate assistance, as the only possible means of averting and preventing the final and complete destruction of the Company's interests, and with them, of materially injuring, if not entirely ruining, the interests of the nation, as far as they were connected with our territorial acquisitions in India. These circumstances being undeniable, arduous and difficult in the extreme as the task he had set himself to perform that day undoubtedly was, it was some consolation and some satisfaction to him to know, that he was merely discharging an act of indispensable duty as a Minister, that there was no choice or option before him, that he was not about to obtrude any idle, visionary, or speculative projects of his own upon their notice, but was in the act of offering to the consideration of Parliament the best propositions for the preservation of the India Company, and the restoration of the welfare of their concerns, that his most deliberate attention could suggest;

and

and that he did it, for no other reason upon earth, than because the necessity that called for it was so urgent, that it pressed itself forwards, irresistibly, and as a matter that would not admit of farther delay. Did any man doubt the truth of this assertion, he had only to take a retrospective view of the proceedings of that House during the last two years; the many abuses in the government of the territories under the management of the East-India Company had been so severely felt, that Parliament had found it necessary to institute enquiries, by which the source of the abuses complained of might be found out, and proper remedies devised, and applied to them: Committees had been appointed; their researches had been pursued with uncommon industry, and their reports contained a body of information so complete, that, perhaps, the like had never been laid before Parliament. He observed, that the two Committees had been of different constitutions and complections; that men perfectly indifferent to each other, and unconnected by any tie of politics or party, had sat upon each; that the labours of the two Committees had consequently been conducted with impartiality, and that their prudence was perfectly astonishing, the magnitude of the information they had laid before the House, as well as the very great ability and precision with which it was stated, infinitely exceeding any expectations, however sanguine, that could possibly have been entertained respecting them by any description of persons either within doors or without. He pointed out the different mode of proceeding adopted by each Committee, stating, that one of them (the Select Committee) had not only made ample reports of the result of their enquiries, but come to certain resolutions as the necessary deductions from their reports, to which that House had agreed, and which it had in due form ratified and authorised. The other Committee (the Select) had pursued a different method, and perhaps not a less useful one. They had contented themselves with furnishing copious reports from time to time, full of information, and had left it to the House to draw their own consequences from the premises laid down in those reports, and to act upon them as to their wisdom should seem meet. Both these Committees had agreed, however, in one essential particular; each of them declaring, that the farther they proceeded in their enquiries, the more it became evident that all the distress and difficulty of the Company was ascribeable to the disobedience

obedience of the orders of the Court of Directors, and the rapacity of the Company's servants in India. The resolutions come to by the first Committee, (the Secret one, which he had no other reason for calling the first Committee, than that it was now at an end) carried in them principles to which he gave his most perfect acquiescence, because they appeared to him to be principles of justice, of humanity, and of sound policy; but they necessarily implied this corollary — as they in all probability ascribed the disorder in the Company's affairs to the true causes, certain specified facts stated in the resolutions, so it appeared to be incumbent upon that House to inflict punishment upon the authors of the mischief incurred by these facts. This unfortunately threw additional embarrassment upon the task, the arduous task of a reform of the system of governing our territories in India, by involving personal considerations in one of the most important questions that could engage the attention of Parliament. A learned gentleman, who had been Chairman of one of those Committees (Mr. Dundas, late Lord Advocate) had moved, that it was the duty of the Directors of the East-India Company to recall Mr. Hastings from the government of Bengal. The House very readily and very properly passed the motion; judging, no doubt, that it would not be expedient to condemn the system lately pursued in India, without fixing some mark of disapprobation on the person who had been the soul of the system; the Directors, in obedience to the sense of the House, expressed in this motion, resolved that Mr. Hastings should be recalled; but not thinking they had a power to decide finally on this subject, they laid their own proceedings before the Court of Proprietors. For his part, he was of opinion that the Directors might, without any violation of law, have issued their orders for a recall of Mr. Hastings, without consulting the Court of Proprietors; he nevertheless was aware, that a contrary opinion was entertained by many; the event, however, proved, that it was necessary the constitution of the society should be amended, as that inconveniencies similar to those which had happened, should not occur again. The Court of Proprietors resolved, that the order made by the Court of Directors for the recall of the Governor General should be rescinded; the Directors obeyed the sense of their constituents, and having made up their dispatches accordingly, carried them to the Secretary of State (Mr. Townshend) to be reviewed by him; that gentleman,

gentleman, finding them so opposite to the sense of the House of Commons, would not suffer them to be sent out to India : and the House having met a few days after, he stated to them the transaction. In the whole of this proceeding, Mr. Townshend acted with the strictest propriety, an act of Parliament authorised him to examine the dispatches of the Court of Directors, and to suppress the whole, or such parts as he should conceive to be likely to produce pernicious consequences to the public, and availing himself of the power with which the law had vested him, he stopped the dispatches, which contained an account of the proceedings of the Court of Proprietors, because he found them so completely contradictory to the sense of the House of Commons, expressed in their vote. But what was in the mean time the situation of the Company's government in India ? It was critical beyond description ; nay, it was a government of anarchy and confusion. The Governor General himself, who was the principal subject of the dispatches, was left in a situation in which even his enemies must pity him : the whole continent of India had been made acquainted with the resolution of that House for recalling him ; and the resolution of the Court of Proprietors, by which he was to be secured in his government, was not transmitted to him, but was kept back : so that in fact he was in a place of eminence without authority ; and of power without energy. Would any man of sense wish that a Governor General of Bengal should remain in such a situation ? Could the affairs of the Company prosper in such a state ? They certainly could not ; and therefore it would be the duty of Parliament to prevent the possibility of such another occurrence, as had reduced them to that state. But this could not be prevented, while the act for regulating the government of India should remain in its present condition. By this act, it was in the power of the Court of Proprietors to defeat the very best measures that the Directors, in conjunction with the servants of the Crown, should take. If the Directors wished to punish disobedience in one of the Company's servants, and therefore to recall him, they were obliged first to apply to his Majesty's Ministers ; but their consent was not, according to the opinion of the day, sufficient ; so that after it should have been obtained, it was still necessary to submit the whole to the Court of Proprietors, who might, if they pleased, undo all that had been done

ther circumstance that proved, as clear as day, that government was not impertinently, rashly, or unnecessarily intruding into the management of the Company's affairs: if Government was now stepping forward, it was for no other purpose but for that of saving the Company from bankruptcy: for if they went on in this course they must sink; and nothing but that interference could preserve its existence. This was not a rash assertion, the state of the Company's finances would bear woeful testimony to the truth of it: the Company owed 11,200,000*l.* and they had stock in hand to the amount of about 3,200,000*l.* towards paying this immense sum; and when deducted from it, there would still remain a debt of 8,000,000*l.* a sum to the highest degree alarming, when compared with the capital of the proprietors. Mr. Fox said farther, that when the Lords of the Treasury consented to exercise the discretion vested in them by the act he had alluded to, let the degree in which it was exercised be what it might, he considered them as pledging the public faith for the payment of the bills, the acceptance of which they permitted; and therefore it behoved them to act with infinite circumspection and prudence. In the present case, the sum was extremely large; it was nevertheless obvious, that the credit of the Company was a matter of a very delicate nature; if they were not assisted, they must unavoidably be ruined, and the ruin of a body of merchants, so extensive in their concerns, and so important in the eyes of all Europe as the English East-India Company, must necessarily give the national credit a very great shock indeed. On the other hand, to give them the requisite assistance, without first examining their affairs, and setting them to rights, and without forming and enforcing a new system of management for the future, better calculated to promote their prosperity, and relieve them from the bankrupt condition in which they at present unquestionably stood, would be only to throw away the public money, and for that House to proceed to take the last shilling out of the pockets of their constituents, to lend it to those whose notorious want of ability to manage their affairs had already brought them to the brink of destruction, and afforded but little ground for expectation of better care for the time to come. It might naturally be supposed therefore, that he did not think for a moment of adopting the easy alternative of lending them the money they wanted, and thus getting rid of the difficulty for the present. The nature of the case required

quired a very different mode of proceeding. He would not have gentlemen to be led astray with the idea, that the public had no right to take upon themselves to check or control the government of the Company's settlements: for his part, he knew too well the great interest the public had in the welfare of the Company, ever to subscribe to any such doctrine. What was the whole amount of the dividend to the proprietors? About 256,000*l*. And what sum did the nation derive from the customs paid by the Company? Above 1,300,000*l*. The people of England therefore had a much greater stake in the business than the proprietors of the Company. If the bills for two millions, which were shortly expected, should return protested, what would all Europe, Asia, and the world say, but that the people of England were bankrupts, or they would not have suffered the bankruptcy of a Company, which paid them 1,300,000*l*. a year? The conclusion would be natural; and therefore the credit of the nation was deeply interested in the support of that of the Company. It was his intention, then, in the bill or bills that he should have the honour to move for leave to bring in, to authorise the Lords of the Treasury to consent that the Directors shall accept the bills for 2,000,000*l*. that are on their way to England: the public on this occasion must give effectual support to the Company; and therefore he would have it understood that the nation by these means would become a collateral security, and be liable to pay the whole, if the Company should not be able to take up or pay all its debts. Thus he hoped to save the sinking credit of the Company for the present; but it would not be sufficient to do this, without taking such steps, as should guard it in future against the same causes, that had reduced it nearly to a state of bankruptcy.

If he was totally unacquainted with the transactions in India, which had brought on the Company's calamities, he was of opinion that he could argue, *a priori*, that they would happen; because, from the constitution of the Company, nothing else could happen. But with the mass of evidence that the Secret Committee had laid on the table, it would be madness to persevere in a system of government that had been attended with such fatal consequences. It had been truly remarked by a learned gentleman last year, (the late Lord Advocate) that if a man wished to read the finest system of ethics, policy, and humanity, he would find it in the letters of the Court of Directors to the Company's servants

servants abroad ; but if the reverse of all this should be looked for, it might be found in the manner in which the orders of the Directors were observed in India ; for there, inhumanity, false policy, speculation, and brutality were to be discovered in almost every step ; orders were given on one side ; they were disobeyed on the other ; and the whole was crowned with impunity.

When the House thought proper to condemn the system pursued in India, it was a necessary corollary that some mark of disapprobation should be expressed relative to men as well as measures ; it was not however his intention to enter into a detail of charges against any man ; accusation was by no means his object ; but it was not possible to illustrate his observations without occasionally mentioning names. With respect to disobedience of orders, there were two very singular instances, which he could not pass over unnoticed. The Supreme Council of Bengal had, by a vote on which the Governor General had been left in a minority resolved to send two gentlemen, Mr. Fowke and Mr. Bristow, to reside, the one at the court of the Rajah of Oude, the other at that of the Rajah of Benares. The Governor General, however, refused to send these two gentlemen to the places to which they had been destined ; the Directors transmitted to him the most positive orders to send them. Mr. Hastings thought proper to disobey them ; and went so far as to say, that he could not employ them in negotiations, because he had no confidence in them. Mr. Scott, agent in England for Mr. Hastings, said, on his examination before the Committee of that House, that to force these two gentlemen on Mr. Hastings, was much the same as if opposition in Parliament should force a Minister of the Crown to send abroad an Ambassador, in whom he could not repose confidence : so that, according to this doctrine, the Court of Directors, who were in fact Mr. Hastings' masters, were to be considered in the light of an opposition, and resisted accordingly. What, he said, must be the state of that government, when the servants are bold enough to consider the power by which they are invested with authority, as an opposition inimical to them ? But the subsequent conduct of Mr. Hastings towards one of those gentlemen, in whom he could place no confidence, was curious indeed ; for he was pleased to give a contract to Mr. Fowke for furnishing oats, with a commission of 15 per cent. which he observed in one of his letters was a great sum, and might operate as a temptation on him to protract

protract the negotiation of peace; but, added he, "The entire confidence I have in the integrity and honour of Mr. Fowke, are a full and perfect security on that head."

To evince the difficulty of recalling their servants, he stated, that in 1776 it was the resolution of the Company to recall Mr. Hastings; but his agent standing up, and in his name announcing his resignation, it was accepted as a milder mode of dismissal or recall. It afterwards happened that Mr. Hastings disavowed the assertion of his agent, and thus two or three years elapsed, and the recall was never effected. As a proof of the disobedience of the Company's servants with respect to the orders of the Court of Directors, Mr. Fox mentioned various cases that were well known.

The affair of the Rajah, Prince, or Zemindar of Benares afforded an instance of breach of public faith, which would for ever be a blot upon the character of the British nation. The territories of this Prince had been declared to be vested in him, on condition of paying to the Vizier a certain fixed and stipulated tribute. The Vizier thought proper afterwards to enter into an agreement with the Company's servants, by virtue of which the vassalage of the Rajah of Benares was ceded to the Company; so that he thereby became tributary to it, but precisely on the same terms that he held his territories of the Vizier; the tribute, and the conditions on which it was to be paid, were precisely the same; so that the Company stood on no better grounds than the Vizier, and the Rajah did not stand on worse. Mr. Hastings, on that occasion, writ to the English resident at Benares, and authorised him to assure the Rajah that no farther tribute should be exacted, nor should it on any future change of government be enlarged. The Governor General's letter on this occasion was a perfect model of elegance; it breathed humanity, justice, and honour in every line; but, alas! the humanity, justice, and honour of Mr. Hastings towards Cheyt Sing, the name of this unfortunate Prince, were to be found only in his letter; his conduct disclaimed them: the tribute was regularly paid; and yet, contrary to the very tenour of his letter, Mr. Hastings called upon Cheyt Sing during the war for five lacks of rupees: they were paid; a second requisition for a similar sum was made, and complied with; as was also a third: the Governor General made a fourth demand of five lacks; but the Prince was not able this time to comply with it: and the Governor hearing that the money could not be procured by fair means, went in-person
into

into the territories of Benares, seized them for the Company's use; and the unfortunate Prince, Cheyt Sing, driven from his dominions, was at this moment a wanderer and a vagabond in the world.——This unfortunate Rajah referred to the Governor General's letter, to shew that the demands that had been made upon him were contrary to the assurance contained in that letter; but Mr. Hastings, disclaiming his letter, referred to the instrument, by which he promised to pay the tribute; in that there was no mention of an assurance that the tribute should never be higher; to this it was replied, that a clause had been at first inserted in the instrument to annul all former agreements, and consequently the original agreement by which the Rajah of Benares bound himself to pay tribute to the Vizier, and which agreement had been made over to the Company; to this clause the Rajah objected; and it was struck out; consequently he had a right to conclude, that the original treaty with the Vizier, by which the *quantum* of the tribute was ascertained, and which he assigned over to the Company, remained still in full force; and he was the more founded in this opinion, as the Governor General's letter was as explicit on this subject as Cheyt Sing could have wished; but Mr. Hastings still sheltering himself behind the letter of the instrument, said, with Shylock, "I do not see it in the bond." Here was a most flagrant breach of national faith; for he (Mr. Fox) held the faith of the Company to have been as strongly pledged to Cheyt Sing, by the Governor's letter, as it was possible to pledge it. The affairs of the Begums of Oude was another circumstance in which the honour of the nation had been wounded. These two Princesses were the mother and the grandmother of the Vizier of Oude, and the lands assigned to them for their support had been guarantied to them by the Company; and yet, notwithstanding this guarantee, the Vizier was permitted by Mr. Hastings to dispossess the Princesses, and strip them of their dower.

It appeared from all the letters and orders of the Court of Directors, that the uniform tenour of their instructions to their servants abroad, was to conduct their affairs with a view solely to commercial purposes, and not with any view to aggrandisement; whereas it was evident that the latter had been the chief object of the Company's servants. In proof of this, he mentioned the Rohilla war, as another instance of the lengths that the Company's servants may carry injustice; the Rajah of that country was persecuted with fire and sword,
and

and his territories laid waste, for no other reason, that he could discover, but that his country had always been; what it always would be, a perfect garden. The Mahratta war was another source of calamity to the Company, and another instance of the disregard which was paid to the spirit of the system laid down by the Directors, of pursuing commerce, and not acquisition. He would not say that it was begun by Mr. Hastings; it certainly took its rise from the presidency of Bombay; but it was adopted by him; and he would not say that the terms of the peace with that people were such, as the merit of having made it, ought to outweigh the demerits of having engaged in the war; certain it was, that this new treaty was infinitely less advantageous to us than that of Poorunder, which had been broken. He added a case, if possible, still more inhuman; and declared, that in the statement of these particulars, he had been actuated by no personal enmities, nor did he aim at any retrospective views. His eloquence in this part of his speech was truly great and masterly.

Having stated these various grievances and abuses in the government of India, his next object was to point out the remedies that he intended to apply to them. He declared, nothing but strong measures could possibly be expected to effect a thorough reform. Strong, however, as the system was which he should have the honour to propose; abundantly too harsh as he was aware it would be thought by some, it was a palliative! an emollient! an half measure! compared to the idea of leaving things in their present condition. He hoped, therefore, the House would, on this occasion, take the advice given by a right honourable gentleman on a former day; that they would look their real situation with regard to India in the face; that they would examine it thoroughly, view its deformity, and proceed with firmness to adopt and enforce that application, and that remedy, which the inveteracy of the case required.

With regard to the existence of great defects in the present system of governing India, and the dangerous and deplorable extent of the mischiefs and abuses arising from those defects, the House, Mr. Fox observed, were well acquainted. The great difficulty lay in choosing the mode of remedying the defects that had been so fully ascertained. On former occasions, doubts had been started on this question; To whom belong the territorial acquisitions in India? Many, and grave persons, were of opinion, that they belonged

to the Crown; and they argued, that it was absurd that a body of merchants should be supposed capable of managing and governing great territories, and entering into all the mazes and refinements of modern politics. He was aware also, that very weighty persons had on the other hand maintained, that the territories belonged of right to the Company; and they retorted very justly, saying that it was equally absurd to suppose that mere statesmen were qualified to enter into, and conduct the complicated branches of a remote and difficult trade. To this latter opinion, he was himself inclined to lean. His idea, therefore, with regard to India, was to form a mixed system of government, adapted, as well as the nature of the case would admit, to the mixed complection of our interests in India. He was willing, in the first instance, to leave the question of right to the territorial possessions just as it now stands, that is to say, undecided. It was generally thought, that if Government should ever take the territorial possessions into their hands, they would be under the necessity of keeping up a company to carry on a trade, by which alone the revenues of India could be converted to the benefit of Great Britain.

His plan was to establish a Board, to consist of seven persons, who should be invested with full power to appoint and displace officers in India, and under whose control the whole government of that country should be placed; the other class to consist of eight persons, to be called assistants, who should have charge of the sales, outfits, &c. of the Company, and in general of all commercial concerns, but still be subject to the control of the first seven. The Board he would have held in England, under the very eye of Parliament; their proceedings should be entered in books for the inspection of both Houses. Their servants abroad should be obliged to make minutes of all their proceedings, and enter them into books to be transmitted to Europe; and if ever they should find themselves under the necessity of disobeying an order from the Board (and he was ready to admit, that cases might occur, when not only it would not be blamable to disobey orders, but when disobedience would be even meritorious) a minute should be entered, stating the reason of such disobedience: and on the same principle, he meant to oblige the Council at home to make minutes of their reasons, as often as their orders should not be complied with, and they should not immediately recall the servant who had disobeyed their instructions. This, he was aware, was new, when

when applied to the common course of business; but the long practice of it by the India Company had proved its utility. He meant to lodge a discretionary power with the Council, which their responsibility would require. If it appeared to them, that a servant of the Company had acted in disobedience of orders from home, from the immediate exigency of affairs, or that he had an obvious good intention in so doing, or that it was for other reasons inexpedient to recall him, they should be obliged to assign in a minute, as short as they pleased, why they did not recall him, and thus avow what they would justify as the expedient grounds of their conduct. This would ensure security to the commissioners, and oblige them to act on motives of necessary precaution. The Company's servants abroad were already in the habit of entering minutes, and it was a custom of infinite utility; for if no such custom had existed, India would have been unavoidably lost to us; for we never should have been able, without these minutes, to trace the melancholy effects up to their true causes. For the present, he intended that Parliament should name all the persons who should sit at this board; but then it should be only *pro hac vice*: he felt already the inconvenience of parliamentary appointments; for at present the Governor General of Bengal, deriving under an act of Parliament, seemed to disavow any power in the Court of Proprietors, Directors, or the King himself to remove him. He would have the Board to be established for three or five years; or for such a length of time as should be thought sufficient to try the experiment, how far this new establishment might be useful. When that should be known, if experience should have proved its utility, then he proposed that in future the King should have the nomination of the seven first. If any of the eight Assistant Counsellors should die, the vacancies should be filled up by the Court of Proprietors. A learned gentleman (the late Lord Advocate) in the bill he brought into Parliament last year, proposed to give the most extraordinary powers to the Governor General of Bengal; he at the same time named the person who was to fill that office. The person was Earl Cornwallis, a nobleman whom he (Mr. Fox) named now, only for the purpose of paying homage to his great character; the name of such a man might make Parliament consent to the vesting of such powers in a Governor General: but certain he was, that nothing but the great character of that noble Lord could ever induce the legislature to commit such powers to

an individual, at the distance of half the globe. In this plan the greatest powers might be intrusted with the Board, because the members of it would be at home, and under the eye of that House, before whom their proceedings must be laid. The learned gentleman had intrenched his bill behind the character of Lord Cornwallis, but he (Mr. Fox) would not mention a single name that he intended to insert in his bill: not because he was afraid they should not be found most respectable; but because he wished the bill might rest for support on its own merits, and not on the characters of individuals. There were other points on which he had formed an intention to touch, and for which he must bring in a second bill, in aid and reinforcement of the first. An absurd opinion seemed to prevail in Indostan, that all the lands belong absolutely to the Emperor, and that therefore they may be disposed of at pleasure. Upon this principle it had been customary to turn the ancient zemindars, land-owners, or gentry of the country out of their possessions, if others were found who would pay more for them. This was a destructive custom, built on an absurd and erroneous opinion; it destroyed agriculture and improvements, and took away that stimulus to the acquisition of property, the consciousness that it would be permanent: his plan would be, to enact, that upon the payment of certain fixed rents or tributes, the landholders should enjoy the undisturbed possession of their lands, which no power should take from them: and in this he trusted he should be most powerfully seconded by the humanity and justice of Parliament. He stated also, as a very important object of his bill, and which stood much in need of correction, the practice of the Company's servants receiving presents from the Indian princes, and others, the dependants on the Company. This was, he said, the grand original, the *primum mobile* of all the rapacity, disobedience, injustice, and cruelty, that had disgraced the British government in India. In vain had the Court of Directors sent over injunction after injunction, to forbid the Company's servants from taking any present, on any pretence, from the Indian princes and zemindars. In vain had an express act of Parliament passed to forbid the practice. The orders of the Court of Directors, the acts of the British Legislature, were held in equal, and the most supreme contempt at Bengal. A stronger proof of this could not be adduced than the conduct of Mr. Hastings, who had accepted various presents, and among others, a present of one hundred thousand pounds from

from a Rajah, who, at the very time, stood deeply indebted to the Company, and who pleaded the most abject distress, in excuse for not paying the Company what he owed them. This hundred thousand pounds, it was true, Mr. Hastings had afterwards brought to the account of the Company, but it was a considerable time first, and in the interim he had lent it to them upon bond, and charged a high interest; nay, such was the opinion of Mr. Hastings himself upon the transaction, that he had written home word to the Court of Directors, "that he did not know whether he had any particular motive that had influenced him to accept this present, but if he had any at the time, it was really out of his mind." Mr. Hastings' agent, Mr. Scott, had also told the Committee, when examined by them, that it was better worth the while of the Rajah of Oude to make Mr. Hastings a present of one hundred thousand pounds, than to pay any part of his just debts to the Company. Mr. Fox laid great stress upon the whole of this narration, and urged it as a glaring proof of his former opinion, that the servants of the East-India Company in India were thought by the natives to possess more power than their masters, and that it was evident they held the orders of the Court of Directors, and even the acts of the British Parliament, in sovereign contempt. Another point to which he designed to direct the correction his bill was intended to administer, was, to the abolition of all monopolies. These he stated to be extremely unfair in the first instance, extremely pernicious, and as tending to consume the vitals of commerce, rather than to feed, to cherish, or to lend it vigour. He mentioned the monopoly for opium, that had been given to the son of a late chairman of the East India Company, who sold the contract for a considerable premium the very same day, and in consequence, the trade for opium was absolutely lost to the Company. It had been often suggested, that it would be advisable to give to the Gentoos the laws of England; but such an attempt would be ridiculous and chimerical, the customs and religion of India clashed too much with them: but though the laws could not be established among them, yet their spirit and efficacy might; and this great principle might be carried into effect, that no man should be deprived of his lands, while he fulfilled the conditions under which he held them. It might be proper to have a retrospect here, and to restore all those who had been dismissed since any given period; for instance, since

1772,

1772, and to bind them to the payment of such rents or tributes as they paid at that period. He had turned his thoughts also to the devising of some means, whereby criminals in India might be brought to justice here, a circumstance of the greatest importance. On this head, he had heard different opinions: some thought that the laws already in being were perfectly adequate to that end; while others insisted, that they were wholly insufficient; and therefore that there was no other mode of prosecuting such criminals, but by bills of pains and penalties. All those who had been witnesses to the proceedings of last year, would agree with him, that this was a wretched insufficient mode to resort to. He had thought of establishing a permanent tribunal for trying such criminals; but he felt very strong objections to such an institution; gentlemen would conceive, that it would be difficult for such judges to resist the attacks of friends and relations; and it would therefore be improper, if solicitations should prevail, to send a criminal to be tried before that court. The matter was full of difficulties; and he was ready to own, that he was not prepared as yet to bring in any bill on that subject; not only because he had not the assistance of the two great law officers of the Crown, who were not at that moment members of the House, but, in fact, because he had not yet been able to arrange a plan that could please himself. He owned he had an idea in his mind on the subject, but it was not sufficiently matured for the House to be made acquainted with it.

He begged that, in the discussion of the bills he should move for leave to bring in, gentlemen would not involve two things that were perfectly distinct; the merits or demerits of the bills, and the merits or demerits of Mr. Hastings. This was not a day of trial for that gentleman: the bills had no retrospect; not but he was ready to own, that upon the readiness he should find in the House to receive his bills, it depended whether there should be a retrospect or not. At present, there was no connection between the bills and Mr. Hastings: he might be the most honest, upright, humane, and just governor that ever existed; and yet the bills proposed might be highly proper. On the other hand, he might be the most corrupt peculator, and the most cruel and unjust governor that ever cursed the plains of Indostan; and yet the remedy proposed in these bills might be found inadequate. All he asked was, that they might be considered by themselves, without any reference to any man. If influence on
this

this occasion should manifest itself, the consequences might be alarming: no future Governor would ever go to India, without looking to influence in that House; and if the day should come, when the whole force of patronage in India should be employed for the purpose of creating influence in that House, what would become of India? Peculations there would be protected here; and the plunderers would be protected by the sharers in the plunder. He trusted that gentlemen in general would meet the question fairly, and not make that a personal consideration, which had nothing personal in it. The influence of the Crown, they had been used to say, was too great. He thanked God it had been considerably diminished; but the influence of the Crown, in its most enormous and alarming state, was nothing, compared to the boundless patronage of the East-India government, if the latter was to be used in influence of that House. The country was lost indeed, lost beyond all hope or possibility of recovery, if the boundless patronage of the East was to be employed, to prevent government from making a reform, called for in the loudest manner, and urged onwards by the most immediate and most pressing necessity. He spoke not this from a fear of the influence to which he had alluded, he trusted no attempt would be made to exert it in the present instance, because if a Minister was afraid to come down to the House, and propose a measure, grounded on the most urgent necessity, there would at once be an end of all government. At the same time that he said this, he was aware the measure he had proposed was a strong one. He knew, that the task he had that day set himself was extremely arduous and difficult, he knew that it had considerable risk in it; but when he took upon himself an office of responsibility, he had made up his mind to the situation and the danger of it. He had left all thoughts of ease, indolence, and safety behind him. He remembered an honourable friend near him (Mr. Burke) had once said, half in jest, half in earnest, "that idleness was the best gift that God had bestowed upon man." But this was not a time for indolence and regard to safety in a Minister. The situation of the country called for vigorous exertion, for new measures, and for some risk; he knew, that a Minister who had no consideration but his own safety, might be quiet and safe; the consequences must be, the country would be ruined. How much better was it to venture what

what the exigency of affairs required; the Minister it was true might be ruined, but his country would be saved. The one consideration ought to have no weight compared to the other. Nor had indolent men any business in office at such a crisis as the present. This was not a season for a Secretary of State to be idle. The Minister that loved his ease, or rather who was not determined to exert himself, had no business with green boxes and green bags. His office was for active employ, and if he preferred indulgence to application, he ought to retire to private life, where he might enjoy his leisure without injury to the public [a smile from opposition]. Mr. Fox took notice of the smile, and said, the subject of a measure adopted by him last session, had then been so repeatedly and so fully discussed, that the gentlemen on the other side must excuse him, if he declined saying any thing more upon the subject; thus much he would only then say, that it had been thought a matter worth trying, if a junction with those, from whom he had long differed, might not be made with safety, after the points upon which they had differed most widely were at an end, and whether they might not act together on new points with honour for the good of the country. That experiment had been tried, and he was happy to say, that the experience of the summer had confirmed him in his expectations. The noble Lord and he not having had any one material difference, nor indeed any variety of opinion, farther than that sort of occasional difference which men of honour, determined to act freely, to give their opinion to each other without reserve, and from candid argument to deduce conviction, might warantably and fairly be supposed to entertain. On the present occasion, he lamented most sincerely the want of the great abilities of the noble Lord to support him in the arduous task of the day; and he more particularly lamented, that his loss should be owing to personal illness and infirmity. He was, however, happy to be able to assure that House, that he and the noble Lord had consulted together upon the subject; that they perfectly coincided in sentiment and opinion upon it; and he trusted, as the bill would be some time in passing, that he should still have the benefit of the noble Lord's powerful support. With regard to the smile the gentleman on the other side had chosen to assume at his observations upon indolence, he could not be supposed to allude to the noble Lord's administration,

ministration, because they must know many new projects were carried into practice during that administration, projects, which, in common with those gentlemen, he had thought detrimental to the interests of the country, and which they had together laboured to prevent. Mr. Fox now came to a conclusion; and again begged leave to impress the idea on the minds of the House, that he had not intruded himself in this business officially; that it was not a mean and interested expedient for the purpose of fortifying a party, or to add to the influence of the Crown. As he had said, it was a strong measure, because it was a great resolution; but considering it as he and his colleagues did, necessary to the salvation of the Company, and, with the Company, of the State, he had applied to it with the greatest earnestness, and had brought it forward without the loss of a moment. He then moved, that leave be given to bring in a bill, for vesting the affairs of the East-India Company in the hands of certain Commissioners, for the benefit of the proprietors and the public: His second motion would be, that leave be given to bring in a bill for the better government of the territorial possessions and dependencies in India.

The Hon. Colonel *North* said, that as the propositions Col. North, which had been submitted to the House were, in his opinion, every way proper, and happily adapted to the business, they had his entire approbation, and they had been so amply and eloquently stated, that it was in vain for him to urge their importance. The right honourable gentleman, who had planned, digested, and brought forward the business, he thought had acquitted himself with equal ability and honour. He did not doubt but the House were of one mind on the subject; that its necessity and importance were universally felt and acknowledged; and that the Minister would be effectually supported in what he proposed. He therefore sincerely rejoiced at the exposition of a system so masterly and seasonable, and rose to second the motion.

The Right Hon. *William Pitt* said, that he could not Right Hon.
W. Pitt. avoid remarking the singular manner in which the right honourable Secretary had deprecated the charge of indolence, a charge which had never been imputed to the right honourable gentleman, though it had ever been considered as a leading feature in that part of the present Administration, of which the honourable gentleman had been

once thought to be no great admirer; and at the same time, the claim that he had made that Parliament would never recur to a certain connection of principle and patriotism, which had so much excited surprise and discussion in the last session, and that they would grant the coalition a perpetual amnesty. But how ready Parliament might be to accede to the right honourable gentleman's desires, he would not pretend to determine. Indeed he knew not how far it might be adopted on the present occasion. For his own part, he could not avoid so far recurring to the present very extraordinary coincidences of sentiment and conduct of men, who were known to have acted and professed principles so diametrically opposite, as to testify his astonishment. He could not but observe, that the business which had been now laid before them, convinced him that there no longer subsisted a disagreement of sentiment. For could he have presumed to have anticipated the conduct of the right honourable Secretary, from the principles he had always opposed in his noble colleague when in opposite situations, he should have said, that he would have been the first to reprobate, not to propose, the system he had just divulged. Had this bill been brought forward at a former period, he should have expected to have heard it depreciated with all that warmth of sentiment and astonishing eloquence for which he had been so justly admired. Although his noble colleague (Lord North) was indisposed, he did not conceive it a material interruption to public business; for the House had now a demonstration that the right honourable Secretary had industry and inclination sufficient to perform, not only his own share of administration, but that of the noble Lord's likewise.

With regard to the bill which had been now brought before them, he had nothing to say against its propriety, necessity, or principle, at this time. He would suspend his judgment until the bills came before them; when he would examine their provisions with the accuracy and care which they demanded. He was assured of what had been so eloquently observed by its right honourable mover, that very great and enormous abuses had been suffered in the management of our India affairs; and great indeed he thought they must be to admit of a measure, which he would be bold to declare was an entire abrogation of all the ancient charters and privileges by which the Company had been first established,

established, and had since existed. All that he wished to mention was, that as such a bill was brought before their consideration, they would consider it with that minute attention and serious investigation which such a bill demanded, before they suffered it to pass into a law. He the more particularly urged this, from the manner in which the bill had been introduced. He should have expected, that a bill of so extraordinary an exertion of administrative power, could never have been brought forward without being premised with reasons that would, in some sort, justify so alarming a measure. But he was sorry to say, that in all which had been urged by the right honourable gentleman to support this motion, he heard no arguments that afforded him satisfaction. It was true the bill was said to be founded on necessity; but what was this? Was it not necessity which had always been the plea of every illegal exertion of power or exercise of oppression? Was not necessity the pretence of every usurpation? Necessity was the plea for every infringement of human freedom. It was the argument of tyrants: it was the creed of slaves. He had heard no particular argument in favour of this necessity, except that of destroying the corrupt influence which had been exerted by the Company and their servants in both houses of Parliament. But surely this was an argument against the principle of the bill; for if government possessed themselves of this source of influence and corruption, it would no longer be the influence of a Company, but that of the executive government. He asked, was it not the principle and declared avowal of this bill, that the whole system of India government should be placed in seven persons, and those under the immediate appointment of no other than the Minister himself. He appealed to the sense and candour of the House, whether in saying this he was the least out of order. Could it be otherwise understood, or interpreted, that these seven, who were to have the sole direction of that part of India affairs which related to the political government, were not to be appointed solely by the Minister? The Minister would then virtually be the Governor of India: he would have all the power and patronage for which this bill was principally recommended as tending to eradicate. Under this idea, he again most earnestly recommended, that the bill might remain on the table so long as to enable every member of that House to form

an adequate idea of the necessity of the measure, and the tendency of the principle.

The right honourable Secretary, he observed, had his sincere thanks and applause for the manner in which he had expressed his intentions of giving security, stability, and permanency to the property of the inhabitants in our territories in India. He felt his sentiments with the same warmth of animation and pleasure, as was the general feeling of the whole House, and what always would characterize the liberality of an Englishman: but while he paid this deserved tribute to so generous and liberal a sentiment, he hoped never to see it adopted, if it must be attended with the absolute destruction of our rights and characters at home. The right honourable Secretary was willing to secure to the Gentoos their natural rights; but let him take care that he did not destroy the liberties of Englishmen. He mentioned the influence of the Crown; but had it ever been in its zenith equal to what it would be, when it should find itself strengthened by the whole patronage of the East, which the right honourable Secretary was going to throw into the hands of the Crown? For his part he was ready to declare, that in his opinion, the whole of the right honourable Secretary's system was nothing more on one side than absolute despotism, and on the other side the most gross corruption. He concluded with observing, that he wished this bill not to pass without a call of the House; for he was assured that not a member of Parliament, when he heard of this bill, would consider himself uninterested in its discussion. He thought it one of the most bold and forward exertions of power that was ever adopted by Ministers.

Mr. Arch.
Macdonald.

Mr. *Archibald Macdonald* rose after Mr. Pitt had sat down; but the House not wishing to go into a debate, which, as no one opposed the bringing in of the bill, would come on more properly on the second reading, most of the members began to move backward and forward, so that we could not hear all that fell from the honourable member; but he recommended to the most serious consideration of the right honourable Secretary of State, parts of the bill of the late Lord Advocate of Scotland on the subject of India, as containing materials for the new system of the most wholesome kind.

Com. John-
stone.

Commodore *Johnstone* paid many high compliments to Mr. Fox for the fair and candid manner in which he expressed the plan he intended to lay down for the future government

ment of India. He then touched upon the principal charges against Mr. Hastings, which he briefly answered. He did not condemn that gentleman for not having employed in his negotiations gentlemen in whom he had no confidence; and the principle of Major Scott's answer to the Committee on that head was just; it was just as if the King, without the advice of his Ministers, nay, contrary to it, should nominate an Ambassador to the court of France, and for his Ministers to make out his credentials, and correspond with him: he was sure that the right honourable Secretary would not serve one hour after such an indignity. In the affair of Benares he held the Governor General not to have been criminal; for he would contend, that in times of war, and so dangerous a war as was the last, all vassals and tributaries of the Company, and of course the Rajah of Benares, ought to be called upon for extraordinary supplies and exertions. The circumstance of the bills that were coming over for acceptance, was no proof of guilt in the Governor General; on the contrary, it was an argument in his favour. Formerly the Company's servants contrived to make remittances or investments through the medium of foreign companies. Mr. Hastings, finding that the Company's ships must either remain in India unemployed, or return in ballast, had found means of procuring cargoes; he had prevailed upon those who would have sent home goods by other conveyances, to send them in the Company's ships, and take bills upon the Court of Directors in payment. These bills were at a long date; and he was sure that the holders of them would very readily hold them over, if from the day of their becoming due they should get five per cent. interest until the bills should be taken up. Mr. Hastings never was the author of the Mahratta war; and as he was not responsible for the commencement of it, he was entitled to the best thanks of his country for having maintained it with so much vigour, and concluded it with so much honour and advantage to the Company. As to the monopolies, they were in themselves such trifles, that they were not worth mentioning; a man like the Governor General of Bengal scarcely can find time to think of them. He could not approve of the power to be given to the Crown; he was willing to admit that the present government of the country, as established by act of Parliament, was intricate, and attended with inconveniences; but he was afraid that the controlling power of the Secretary of State would not be found of any great use. He re-
membered

membered that the dispatch, in consequence of which the Mahratta war was undertaken, was sent to the Secretary of State's office, where, having remained for three weeks, if not three months, it was returned to the India house with this answer from Lord Weymouth — "That the Directors must be better acquainted with the state of the Mahrattas, and of their own settlements, than his Majesty's Ministers, and consequently they must be the best judges of the necessity or expediency of the war." He saw no reason from the debt due by the Company to the public, that the latter should spoil the Company of its chartered rights; their debt was by no means as stated by the right honourable Secretary. So far from being bankrupt, they had but a very trifling mortgage on a very fine estate, which would soon pay it off. The Rohilla war, he said, was the war of the Directors, and not of Mr. Hastings; and this he would prove at the bar of the house. But had he even been the author of it, it would be a curious circumstance indeed to assign that as a ground for his recall, after he had, since the commencement of that war, been twice named by that House, in two successive acts of Parliament, Governor General of Bengal. As to the bill moved for by the right honourable Secretary, he would not oppose it; he liked the vigour of the right honourable Secretary — We wanted bold measures; but at the same time he declared, that if any one should, in a proper stage of the business, move that no one should be a member of the New Board who had sat in either the Secret or Select Committee, he would second the motion.

Mr. Fox.

Mr. Fox admitted that Mr. Hastings was not the author of the Mahratta war, which originated in Bombay. He once more begged gentlemen to recollect, that the character of Mr. Hastings was not involved in the consideration of the bill.

Mr. Samuel Smith.

Mr. Samuel Smith, jun. spoke against the arbitrary principle and tendency of the bill. He also instanced that the arguments of its necessity being urged from the enquiries and resolutions of the Secret and Select Committees, were not satisfactory to him; for he should never hear the latter mentioned without its recalling to his memory what he had heard declared in a former debate by the honourable Governor near him (Governor Johnstone). He heard that a relation of his, who was a member of the Committee, had resigned all concern with the business; for he found their proceedings

jays were so arbitrary and prejudiced, that he could no longer continue a member of such an enquiry. He concluded by saying, that the present motion was a convincing proof, that, excepting some few, whom he had the honour of seeing in their places, who preserved themselves independent, unplaced, and unpensioned, let who will be minister, that we had lost all public principle and public virtue.

The question was then called; and going to be read, when Mr. Secretary Fox rose to give notice, that he meant to propose next Thursday se'nnight for the second reading. Mr. Fox.

The Right Honourable W. Pitt said, that unless a proper time was allowed for a call of the House for the proper discussion of the bill, he should certainly oppose it upon the second reading; he therefore wished to know if the right honourable Secretary would defer it for a few days longer. Right Hon. W. Pitt.

Mr. Secretary Fox said, that he could not assent to the bill being deferred any longer than the time he had proposed, but that he had not the least objection to the call being made. Mr. Fox.

The motions were then read and carried *unanim.*

Mr. Secretary Fox, Lord North, Lord John Cavendish, and Mr. Erskine, were ordered to prepare and bring in the same. to

The Right Honourable W. Pitt then made his motion for the call of the House to be for to-morrow fortnight.

The motion was read and agreed to.

November 19.

Lord John Cavendish gave notice, that he would move the next day for leave to bring in a bill to explain and amend the act passed last session for imposing a tax on receipts. Gentlemen must have seen the law opinions that had been handed about during the summer on certain points in that act. In answer to these opinions he would say, that the Lords of the Treasury had consulted the late and present Attorney Generals on the subject, and they had given opinions diametrically opposite to those to which he alluded. However, as it was not proper that there should be a doubt on the question, or that gentlemen should be exposed to penalties, where no evasion of the act was intended, he had upon this ground, and this ground only, judged it expedient to have that act explained. Lord J. Cavendish.

The

The House resolved itself into a Committee of Supply, to consider of the estimates of the navy for the ensuing year. Mr. Ord having taken the chair of the Committee,

Admiral
Pigot.

Admiral *Pigot* rose to move for the complement of seamen necessary for the service of the year 1784. He said, that the great force at present in India would make it necessary to move for a greater number than he otherwise should have called for: if the force that it was at present thought advisable to keep in that part of the world, should at a future period be found more than sufficient, a reduction would of course take place, and the establishment would be eased. For this year the reduction could not be as speedy as might be expected, as the ships ordered home could not arrive as soon as from less distant parts of the world: those already under orders to return, could not arrive before March or April; at which time he expected five ships of the line and two large frigates, which would then be paid off: their full complement of men would amount to more than 2200; but as he had reason to believe they were far from being complete, he rated them at no more than 1455 men; and these being discharged, the vote of next year would be less than that for the present by so many.

The number of ships for Channel service this year was nearly the same as during the peace, as they amounted to fifty-four, whereof twenty are sloops, twenty-seven cutters, the other six large frigates, carrying in all 4475. In these there were three more than in the last peace establishment; and they were destined to cruise in the Mediterranean, where it was now more necessary than formerly to station frigates, as Minorca was no longer in our hands to afford shelter to our trade, and as the Mediterranean swarmed with Corsairs. The daring conduct of the smugglers had made it necessary, that stout frigates should be kept constantly cruising, as he understood that several smuggling vessels carried a considerable number of guns, and had on some occasions had the audacity to come to action with his Majesty's ships. The numbers of seamen on board the guardships were greater than during the last peace; but as gentlemen must recollect the very great difficulty that occurred in finding sailors to man the King's ships at the beginning of the war, they would not think that an unnecessary expence, by which they should have a supply ready at a moment to man a squadron, if any sudden attack or insult should render such a measure necessary. He also enumerated the ships that were to be in

the West Indies, with the number of men that they would employ. He concluded with moving, "That it is the opinion of this Committee, that 26,000 men be employed for the sea service, for the year 1784, including 4495 marines."

Mr *Huffey* said, that he was of opinion, that the Admiralty, by distributing the 4475 men on board of small sloops and cutters, would defeat the very purpose for which such a number of men were to be employed; for as many of the smuggling vessels carried from twenty to thirty guns, none of the King's cutters could venture to attack them. He himself knew that a smuggling vessel of 28 guns had frequently appeared off Hampshire, near the Isle of Wight; and that she used regularly to fire a gun as a signal for the small craft to go to her, and carry her lading ashore: a cutter was not able to contend with a vessel of such superior force; the goods were therefore landed in safety, and he knew that 1000 horses led by smugglers had occasionally appeared, and received them from the small boats, and carried them off. He spoke this from no desire of opposition, but to throw out the hint to government for the benefit of the country; there were always means to conceal smuggled goods on shore; and therefore the most effectual method for suppressing smuggling, would be by making the water carriage almost impossible, at least as difficult as possible.

Admiral *Pigot* replied, that if the 4475 men were to be distributed on board large frigates, they would be completely unserviceable for the purposes of checking the practice of smuggling, for large frigates could not follow small craft into shoal water: and moreover, here was a law which prevented the seizure of any vessel, except within the distance of two leagues from land; a distance within which, large frigates could be of little or no service against small craft.

Mr. *Rolle* said, he knew that there were two smuggling vessels, one carrying twenty-eight guns, the other twenty-six, which generally lay about Lundy island and setting government at defiance, discharged their cargoes into small vessels, and protected them while they were landing them along the coast. This they did openly by sailing up Bristol Channel.

Mr. *Brett* said, there was but one way, which to him appeared much more effectual than an armed force towards suppressing smuggling; and it was to weaken the force of smugglers, by seizing every vessel of so large a force as twenty-eight guns, that left a port without a clearance; and

he did not see any reason why they might not be treated as pirates.

Lord John
Cavendish.

Lord *John Cavendish* applauded the disposition of gentlemen which prompted them to throw out salutary hints to government for suppressing the practice of smuggling; he had turned his thoughts seriously to the business; and the more he considered it, the more he was convinced that it would require much information, and great exertions of abilities, to devise means by which the desired success might be attained. He therefore intended to move on Thursday that the House would ballot for a Committee to enquire into the illicit trade now carried on in this kingdom, and to deliberate on the means to put a stop to it; he was of opinion that the Committee ought to consist chiefly of commercial men, who from their own knowledge, and the information they should be empowered to collect, might be able to crush a practice which had so materially injured the revenue. The House appeared greatly pleased with the idea.

The question was then put on Admiral Pigot's motion, and carried without opposition. The Admiral then moved, "That it is the opinion of this Committee, that a sum not exceeding four pounds per man, per month be allowed for maintaining the said 26,000 men for thirteen months." Which was also agreed to. The House adjourned at half after four o'clock.

Nov. 20.

Mr. Ord made the report from the Committee of Supply, of the vote of seamen for the current year; when,

Mr. Jen-
kinson.

Mr. *Jenkinson* said, that he thought it too high an establishment for a time of peace; he was aware, that there were various circumstances that rendered it necessary to vote a larger number of seamen for the service of 1784, than might actually be employed during the whole year, and that the mere vote of seamen did not necessarily govern the whole of the naval expenditure for what was generally termed the peace establishment; he only thought it right to express, that as soon as conveniently could be, he should be glad to know, what was the specific expence to which we were to be put. The situation of the country, he remarked, demanded the utmost attention to œconomy, and he said, he remembered in former times, 15,000 seamen was the number settled and determined, by some of the greatest men, and wisest politicians, that ever governed the kingdom, as fully adequate to all the purposes of a peace establishment.

Mr.

Mr. Secretary *Fox* said, that the peace establishment Mr. Fox. would not be so great as the present vote; it would, indeed, be greatly less: but at the end of a war so extensive, we must not be too hasty in forming an establishment. The peace with the United States of Holland was not yet definitively concluded; not, to say the truth, that he considered that circumstance as of much, or, indeed, of any consequence in the view of making the peace firmer than it already was: but time must certainly be allowed for Government to get matters to rights, to look round them, to see the state in which other powers sat down, and to adjust and regulate such establishments, as should, from a fair consideration of every matter necessary to be taken into consideration, appear to be good policy to adopt. In the mean time he returned his thanks to the right honourable gentleman, for so well discharging his duty as a member of Parliament, as to remind the House, when they were coming to a vote of some cost, of the necessity of adhering to œconomy. The spirit of œconomy ought always to be in their contemplation; and as the navy service was very naturally the favourite service of every Englishman, it was particularly right to suggest the hint, while that service was providing for, lest their favour and partiality should hurry them beyond the proper bounds of true and necessary œconomy. It was certainly incumbent upon Government to be extremely prudent and sparing in their general conduct; nor was it enough to be œconomical in large considerations only, œconomy must pervade every individual department, or it could never be rendered materially advantageous. These were his sentiments, and to reduce such sentiments to practice, should ever be his study and endeavour.

The resolutions were then read a second time, and agreed to by the House.

Lord *John Cavendish*, in consequence of the notice given Lord John Cavendish. by him the day before, moved for leave to bring in a bill to explain and amend the receipt tax. Doubts, he said, had arisen, whether any penalty was incurred under the act in its present form, by those who had signed receipts upon unstamped paper; which doubts, he said, had been in a great measure changed into a confident idea, that persons so acting, were not liable to the penalty, by the opinion of certain gentlemen of the law, of great weight and respectability in their profession, having been published in all the newspapers, and circulated industriously throughout the kingdom. The

tax set off extremely well, and, before the opinions alluded to were promulgated, appeared likely to prove as productive as its most sanguine advocates had expected; but upon the publishing of these opinions, it fell off immediately. The Stamp Office, his Lordship said, had laid the case before the late Mr. Wallace, and his Majesty's present Attorney General, both of whom had given opinions diametrically opposite to those of the other learned gentlemen. As, however, it would be extremely harsh to prosecute or to mulct persons who had inadvertently offended against the act under such circumstances, he trusted, that let gentlemen differ as much as they might about the policy of the tax itself, every body would be of opinion, that a bill ought to be brought in to indemnify those who had given receipts without a stamp; and so to explain the meaning of the act, as to prevent such an evasion of it for the future: he therefore moved for leave to bring in the bill.

Sir Joseph
Mawbey.

Sir *Joseph Mawbey* expressed a wish, that the act alluded to might not be amended, but completely repealed, for it imposed an odious and oppressive tax; it was burthensome to trade, and could never be completely collected; the repeal of it would therefore be agreeable to the public: and the revenue, upon the whole, would not suffer by it, as such improvements might be made by checking the illicit trade that was carried on to an immense extent, as would not only keep up the revenue to its present amount, but even greatly increase it.

Sir Edward
Abley.

Sir *Edward Abley* said, when taxes were once laid, he always wished them to prove efficacious, that they might not be troubled with others, to provide for their deficiency; that in the present case, he really believed the tax was found fault with more for its being so troublesome, than on account of its being found oppressive; that, in fact, so far from its proving efficacious, it had not been heard of in the country, no person taking or asking for a stamped receipt. From these remarks, Sir Edward went into a series of observations on the increase of smuggling, and the necessity of putting an end to such illicit practices.

Sir Cecil
Wray.

Sir *Cecil Wray* was of opinion, that Government were only setting up a pretence, in order, under the colour of amendment, to extend the tax; this he thought pitiful, and therefore he would oppose it. The present attempt was a gross fallacy and deception. He said, all the world was at rest upon the subject; that those who had taken unstamped receipts

ceipts dreaded no penalty, nor wished for any indemnification; that every act ought to operate as the face of it warranted, and not to have new meanings, and constructions never before thought of, put upon it by a bill subsequently brought in; that it was evident, from the opinions of the great and eminent lawyers alluded to, the face of the bill did not warrant the infliction of any penalty; and that the language of last year was, that no person was obliged to pay the tax, and that it was a luxury and a matter of choice whether they would have a receipt or not. Such having been the declared opinion of Ministers then, they ought to abide by it; much less ought they, under a pretence of a necessity, to bring in a bill of indemnity, which not only implied, that the act of last year bore a different meaning from that which had been given it in the House by those who supported it, but changed the operation of the tax entirely, and made that penal for the future, which had not been penal hitherto.

Lord *John Cavendish* declared his meaning was not to extend the tax; his object was only to prevent the evasion of it, by making men see that by attempting to evade, they must make themselves liable to penalties. The old method of crossing accounts out of the book, would be as valid as ever, but that he meant to make all receipts given on paper, without a stamp, liable to a penalty. This had been generally understood, and as he had before said, the tax set off well, and did not begin to fail, till the opinions of the lawyers were published by Alderman Picket in the newspapers. He did not mean to say, that any man had not a right to employ his talents how he pleased: God forbid, men should be prevented from writing what they chose, which the laws did not gainsay, but he was convinced, that the tax failed, not because it was oppressive, but because such a general clamour was raised against it. Men railed against it, they knew not why. It was not from their own feelings that they argued, but from what they had heard from others. Some people took pleasure in spreading an alarm; if a whimsical idea hit their fancy, they delighted in building speculations upon it, and thus looking at one object only, they gazed till they were frightened, and then made it their business to frighten others, by communicating the terrors they themselves occasioned, by not taking the effects produced by other objects into their consideration. This country was, as Lord John said, far from being in a def-

Lord John
Cavendish.

desperate condition. We laboured under heavy burdens, it was true, and had much to struggle with. But when it was considered how little effect the bad harvest of 1782 had upon our agriculture and our manufactures; and what state our commerce was in, notwithstanding all our difficulties, it must be owned, that we were strong in resources yet, that our *flamina* were good, and that we had only to act with firmness, to look our situation in the face, and determine to bear it manfully. Lord John said farther, that he meant in the bill which he had moved for leave to bring in, to introduce a clause, obliging the person who was to have a receipt for what he paid, to pay the price of the stamp, and making every person who should sign a receipt on unstamped paper, liable to a penalty of five pounds.

Ld. Mahon. Lord *Mahon* desired the House would recollect, that when the tax itself was proposed in the last session, gentlemen, in order to make it palatable, called a receipt a luxury, because no one was compelled to take a receipt: but now the law was going to be altered, and men were to be forced to take receipts; this was a strange kind of luxury, that a man could not enjoy the luxury of paying his debts, (to which by the bye so many were strangers) without being liable to pay for a receipt.

Mr. Fox. Mr. Secretary *Fox* begged to set the noble Lord right: the noble Lord's bill would by no means impose a necessity of taking a receipt; for though the bill should pass, still there would be no more necessity for taking a receipt than now: it only went to declare, that if a man should think proper to take a receipt at all, it must be on stamped paper. Some of the first authorities in the law were of opinion; that this was already the case; but others differed in opinion; it was therefore intended to remove the doubt, by explaining an obscure clause in the present act. His honourable colleague had said, all the world were at rest upon the question, and no indemnity was desired. But why was all the world at rest? On account of the moderation of Government, on account of a spirit that ever had, and he trusted ever would distinguish the present administration. The penalty had evidently been incurred, but clearly under misconception of the act; what then remained for his noble friend at the head of the Exchequer to do? Either one or other of these two things—to prosecute for the penalties, or to bring in a bill of indemnity for what was past. It was easy to suppose, that he would choose the latter, and therefore he had moved for leave to bring

bring in a new bill, but in making that bill explain, what had been the intention of the former act, there was nothing like a fallacy or a pretence.

Sir *Cecil Wray* said, now that the noble Lord, the Chancellor of the Exchequer, had in his second speech stated what the bill was, there certainly was no fallacy; but to call it a bill of indemnity, and to make it enact a penalty for the future, without avowing it, would have been a pretence. Sir Cecil Wray.

Mr. Alderman *Newnham* arraigned the policy of the tax itself; it was burdensome, vexatious, and oppressive; a more unpopular tax had never been imposed; and when it should come to be thoroughly known in the nation, he had not a doubt but complaints against it to that House would arrive from every quarter. The people knew that taxes were necessary; they had no objection therefore to be taxed; it was only of this particular tax that they complained; and he knew it to be so objectionable, that he pledged himself to move for a repeal of it the first convenient opportunity after the holidays. His constituents had instructed him to move for its repeal; but, at the same time, they were aware that the amount of the tax must be made good, and instructed him to say, that they were willing to make it good, submitting it to Ministers upon what to lay the imposition, and only desiring not to be obliged to pay it upon receipts. In the mean time, he said, as the tax undoubtedly had been hitherto greatly evaded, he thought it right to let the bill now moved be brought in and passed, in order that Ministers might render the tax as complete as possible; the public would then know the whole extent of the burden; and, after the holidays, upon a motion to repeal the tax, the sense of the House might be fairly taken upon the whole of the question. Mr. Ald. Newnham.

Mr. *Arden* thought the noble Lord acted very properly in bringing in the bill; for, certainly, if any penalty was intended to have been inflicted by the act as it now stands, it was not, in his opinion, so worded as to carry its own purposes into effect. The clause under which the penalty must be supposed to be incurred, was a reference to a former stamp act; but in saying that certain provisions in former acts were to be adopted in this, there was not a word about penalties; that word was not expressed: it might be asked if penalties were to be incurred under the present act; what were those penalties? Such, no doubt, as the statutes, to which the present referred, had enacted: now some of them invalidated Mr. Arden.

ted the instrument which should be drawn on unstamped paper; others added a penalty; and all made it death to forge the stamp; and therefore if any penalty at all could be incurred under the present act, every penalty could; and consequently a man could be hanged for forging the stamp used in receipts; but as the word penalty was not once mentioned in the sweeping clause, which adopted the regulations contained in former stamp acts, would any lawyer say that the penalty of death might be incurred under it? Not one; and he was sure, that if this could not, no other penalty could: it was a maxim in law, not to construe statutes beyond the plain import of the words; but penal statutes, above all others, were to be construed most favourably to the accused. A clause, adopting all former regulations in former statutes, was rather a novelty; it occurred, he believed, for the first time, in the 30th of George II. and had, he believed, been repeated in the 7th of the present reign; but surely it were more proper, and more just, that clauses, particularly in penal matters, should be worded in clear and express terms. He confessed, that when consulted some time ago on this act, the sweeping clause in question had not been particularly under his consideration, as he did not understand that he was consulted upon the point whether penalties might be incurred under it. He concluded by saying, that he concurred with the noble Lord in the propriety of bringing in a bill to remove all doubts; and if he should find it unexceptionable in its parts, he would not oppose it. He hinted at the doubts of government itself upon the legality of taking a receipt without a stamp, and asked if certain licences had not been granted to certain persons to receive money on government account without a stamp to each receipt?

Lord John
Cavendish.

Lord *John Cavendish* said, he had understood a proposal had been made to give security to the Stamp Office, that when some books of receipts were full, they should be sent to the office, and the whole duty paid at once.

Mr. Sheri-
dan.

Mr. *Sheridan* observed, that the last speaker but two, had said that the receipt-tax was oppressive and unpopular, and that when it should be known, complaints would pour in against it from every quarter: it was a little singular that a tax should be oppressive, which was not felt; and that it should be unpopular when it was not known. In the country, an honourable Baronet had said, it had been hardly heard of, and in the town it had been, since the publication of certain authorities, pretty generally evaded. As to the
penalty

penalty of signing a receipt on unstamped paper, he remembered well to have stated in the Committee, when the matter was under consideration, that it was intended that such an act should be made penal; and he wished that whenever the learned member who spoke last, should be called upon again, along with other gentlemen of the law, (Oliver Quid and others) to give an opinion on a statute on which the existence of a considerable branch of the revenue depended, he would give less way to vivacity, and read all the clauses before he let his opinion get abroad into the world, where such an opinion as his could not fail to carry great weight.

Mr. *Arden* took fire at this, and replied warmly, that he Mr. Arden. thought the calm and cool manner in which he had delivered his sentiments, demanded a different reply than that given. But since the honourable gentleman preferred another language, he should meet him with similar replication. He retorted on Mr. Sheridan with some acrimony, and denied that the opinion of the late and present Attorney General was founded either in law or fact. He then, in a high tone of voice, replied, and defended his former argument.

Mr. *Sheridan* got up a second time, and said, he should Mr. Sheridan. not adopt the warmth of the honourable member; because he found by the experience of its having not the least effect, when used by another, it might probably be of as little service if he took it as his mode of defence. But again he reprobated the sending forth an opinion, calculated to affect the revenue, without the decency of reading the act on which it was to be founded.

Mr. *Kenyon* contended for the justice of the public opi- Mr. Kenyon. nion he gave; but as to the intention of decreasing the revenue by its appearance in print, he denied the truth of such an insinuation. He then stated the grounds upon which he had proceeded to give his opinion in the case that had been submitted to him, and said, he was not conscious that he had deserved the reprehension the honourable gentleman had been pleased to bestow on him, and that in language which was not calculated to conciliate the minds of men but that by putting the opinion of professional men and that of Oliver Quid upon the same footing, the honourable gentleman had lowered himself, and not them. With regard to sending to the newspapers, he had no connection with them. He never wrote paragraphs for them, nor paid news writers for such rubbish. He was not solicitous of newspaper fame, nor were all the prints of the metropolis retained

in his service, though they might in the service of others. After tartly saying this, Mr. Kenyon adverted again to the construction of the act, and said, that he had ever considered it as his duty to read penal statutes *a mitiori sensu*, and to put the most lenient interpretation on them that the words would bear. In forming the opinion he gave, he had done so; and after the most sober and deliberate consideration of the case, he had delivered an opinion according to the best of his judgment. The case, he said, had lately been submitted to him by the Stamp Office, and after re-considering it, his opinion was not altered.

Mr. Fox.

Mr. Fox intended to put an end to the conversation, by rising to explain what Mr. Sheridan meant. His honourable friend, he said, did not mean to say that the learned gentleman had not read all the act, but that the particular clause in question had not, as the learned gentleman acknowledged, been immediately under his consideration when he gave his opinion. Mr. Arden, in a low voice, said across the House, that how far penalties might be incurred under it, was what had been in his contemplation when he gave the opinion. Mr. Fox catching the word penalties, turned it against the learned gentleman, by saying that the thing, on which the learned gentleman had been consulted, was not in his contemplation, when he was giving his opinion.

Hon. William Pitt.

The Right Hon. William Pitt here interposed; he said that if it was on the subject of penalties, Ministers wanted to take the opinion of Counsel, the officers of the Crown had very badly drawn up their case, for it was not upon that point the learned gentleman had been consulted. He said, as to all the epigrams and witticisms that had been wasted at the expence of his learned friend, they were wholly unworthy notice; but there was one circumstance which proved that neither of his learned friends accused could have had any design to undermine the revenue by the opinions they gave their clients upon the receipt-tax, and that was, that another learned gentleman, rather more in favour with the present administration, had given a similar opinion. That learned gentleman had recently been appointed his Majesty's Solicitor General, which certainly was an appointment not given him as a reward for assisting in a design to undermine the revenue.

Lord John Cavendish.

Lord John Cavendish begged to remind the honourable member, that it was Alderman Pickett, and his committee, not the officers of the Crown, who had drawn up the case, and

and submitted it to counsel. It was the privilege of Englishmen, and he would never attempt to impair it in the smallest degree, to deliver their sentiments on all public affairs; but he thought it might be as well if some gentlemen were to exercise their ingenuity on some other subject, than that by which the revenue of the country might be injured. He did not think the receipt tax either burdensome or vexatious; he believed it would be found both light and productive; people might be a little peevish when they heard of taxes; but every man who wished well to his country, would do well to inculcate in public this truth, that we must meet our situation; we were burdened, but not overwhelmed; the stamina of the nation was still good, and with care, public credit might be restored, for there were still great resources in the country. He was sure that it was not because the receipt tax was heavy that people complained; for he remembered that when Parliament laid on a duty of one penny on every quart of wine, the public suffered the vintners to make that penny six-pence on every bottle. To this exorbitant tax they submitted without murmuring, though the state was not benefited by it. Why then should men murmur at the payment of a comparatively small tax, every shilling of which found its way into the public coffers?

The question was at last put on the motion for leave to bring in the bill, which was carried without a division.

E A S T - I N D I A B I L L.

Mr. Secretary *Fox* brought up the bill for vesting the affairs of the East-India Company in the hands of Commissioners, for the benefit of the proprietors and the public. It was read for the first time, and the House, on the motion of Mr. Fox, ordered it to be printed. Mr. Fox then moved, that it be read a second time on this day se'nnight. Mr. Fox.

The honourable *W. Grenville* said, that in rising to exercise his free judgment, and to perform his duty, he should not be intimidated by the illiberality which he must expect from those opposite to him. The experience of the last half hour must convince those who differed from them, what they had to expect; he should therefore appeal to the candour of the House for protection. He rose to oppose the motion, and as the business was of such importance, he gave it as his opinion that the Christmas recess should intervene before the second reading. He said, the right honourable Secretary Hon. W. Grenville.

tary meant to take the House, not only by force, but by violence ; and therefore it became the business of every member, who regarded the liberties of his country, to stand forward on this occasion. What the reasons were that induced him to make such an appeal to their candour, and to address such a requisition to their justice, he would take the liberty to state, and when he should have done so, he trusted that they would join with him in reprobating the attempt now made by the Minister. His reasons were, the great importance of the bill, the novelty of the system it held out, the alarming tendency of that system, the injustice it was big with, the aim being no less than to erect a despotic system which might crush the free constitution of England. The bill was of a most alarming nature indeed, and called for every attention and every disquisition that the representatives of the people could give it. Thus far supposing it to have the interest of the nation at heart, it was entitled to a proper time for consideration. But in the point of view in which he took it, there appeared every reason for throwing it in its present shape entirely out of the House. India, it was true, wanted a reform, but not such a reform as this. It wanted a constitutional alteration, not a tyrannical one, which broke through every rule of British justice. The bill made an attack on the most solemn charters affirmed and confirmed by the sacred faith of Parliament ; it broke through all those ties which should bind man to man, and was fraught with the most pointed mischief against national honour and the integrity of English legislation. Less violent methods than this, surely could have been found, if there was not at the bottom some deep, some latent, some dreadful purpose, of which this was the political forerunner. A great body of commercial people, who were respected by the surrounding powers of Europe, were to be annihilated. A proprietary of the public, who, under the faith of Parliament, and the chartered constitution of representative honour, vested their money in a particular fund, were to have the nature of their property changed——For what? To increase the influence of the Crown in the House of Commons. Was this right? Did this bespeak the patriotic intentions of the present Ministry, who talked so much, and did so little, in respect to that reform which they so eternally rung in the ears of the people? He demanded of the House, whether the charter of the Bank had been, or was secured on a more firm basis than the charter of
the

the India Company. There was no man would aver, that the first was not as firmly, as constitutionally, as legally, and as honourably pledged to be inviolate as the second. It therefore followed, if a Minister took hold of the direction of the India House, he might, with the same justice, take hold of the direction of the Bank. On record there was no stronger faith for the one, than there was for the other. If Parliament broke the honour of the nation to the one, they might forfeit their credit with the public in respect to the other. The charter, conveying the rights of the Company, was conceived in the clearest and strongest terms that could be imagined; it was clearer, stronger, better guarded in point of expression, than the act of settlement itself, which, by the blessing of God, had established the present Royal Family on the throne of England; and clearer also than the charter establishing the Bank of England. The Company also had but lately paid a sum of money to Government, and were bound to pay more. What security could any individual have for his private property, if the rights, the property of the Company were thus to be torn from them? Their houses were to be entered, their books were to be seized, their servants were to be governed, their whole affairs to be managed by parties, who were bound, by the most solemn engagements, to protect them in the enjoyment of all that they possessed. The Courts of Proprietors and Directors were to be abolished, and swallowed up by the prevailing power of the British Ministry. It was idle, and it would appear foolish to the world to say otherwise, than that the present bill was not intended to protect the innocent natives, or to save to the benefit of the people the possessions in India. As to a contradiction from the Treasury Bench, on this subject, it would have little weight, because the intention most palpably spoke for itself. These were considerations of great and infinite importance, and ought it to be a matter of a single moment's doubt whether these considerations should be suddenly brought forward, or whether a few days longer should elapse in order to obtain a fuller attendance, and in order to give such gentlemen as were yet in the country an opportunity of coming to town, and being present at the discussion of a bill of such magnitude? His wish was to postpone the second reading of the bill till after the call of the House, and he trusted, that this wish would be ratified by the concurrent feeling of the majority of those present. Should such a bill pass precipitately, and he

he earnestly hoped so violent a stretch of authority, so unjust an attempt to seize inordinate power, never would become a law; but should it be attempted to be hurried through that House, what would the people at large think of their conduct? Called together as they had been at an unusual season of the year, did it become them hastily, in thin Houses, without allowing themselves time to weigh the importance of a system perfectly new, unheard of before, never even alluded to within doors or without, to proceed with as much dispatch as if they were going through a bill of no moment, of no importance? On the contrary, ought not the extraordinary and unusual tendency of the system, made the subject of the bill, to alarm their apprehension, to call forth their caution, to excite their utmost wariness? What plea had the right honourable mover urged as the ground of proposing the system in question? He had mentioned only one, the plea of necessity. That there was a necessity, an urgent necessity to adopt some measure for the relief of the East-India Company, for the regulation of their affairs, and what was still more pressing, for securing to the natives of India, and all who resided there, and were dependent on the East-India Company, protection and security, he was ready to admit; but was he not to be allowed time to examine whether the bill then under consideration was the best adapted to the necessity in question, or whether more lenient means of effecting the relief, that the nature of the case required, might not be discovered? In opening the grounds of the bill, the right honourable mover had principally rested his argument, on what? not on general facts, but upon the peculiar conduct of an individual! This was not the most candid way of opening the grounds of a system calculated for great and general purposes. On such a day, he should have expected individuals might have been spared, and the thoughts of the House directed to large and more important objects: but taking the case as it stood, what inducement had they to precipitate a bill, that called more perhaps than ever bill had done before, for circumspection, for investigation, for the most serious and the most deliberate discussion. The conduct of Parliament on similar occasions, had been to pause, to proceed with all the slowness of doubt, to look again and again at the subject, and neither to determine on a sudden, nor without full evidence of the truth of the facts upon which a proposition was founded. When he used the phrase similar occasions, he went too far;

he should have said, on occasions much weaker; on occasions that bore no sort of analogy or comparison in point of importance to that of the present bill. In 1773, and in 1778, when bills affecting, in a slight degree only, the constitution and rights of the East-India Company, were under consideration, let the House recollect what had been the alarm; what the language of those days! Men were sometimes apt, in the heat of debate, to grow warm, and to adopt even stronger expressions than the occasion warranted. That the sentiments he had uttered were not peculiar to himself, would be seen from a reference to the sentiments of past times. In the protests of the House of Lords, to which he had a right to refer, the same sentiments would be found, but expressed with infinitely more dignity, more ability, and more authority, than he could ever pretend to lay claim to. He would not attempt to derive any weight or consideration from the names of the noble persons subscribed to the protests to which he alluded. He would not draw any additional weight to his argument from the name of the Marquis of Rockingham, a name ever dear to recollection, as the Marquis was a character, whose uniform and consistent adherence to fixed principles, begot him the confidence and support even of those not naturally prone to act with him, but who were now obliged to deny their support to others, who had chosen to proceed on opposite principles! He would draw no weight and consideration from the name of the Duke of Portland, though confessedly acting at the time that he signed the protest, from the best and purest of all possible motives. Having put this pointedly, Mr. Grenville proceeded to read the protests in question, which were written in language remarkably spirited and warm. After going through them, and commenting upon each, particularly on that part of them that complained of the haste and precipitancy with which the bills then passing, relative to the East-India Company, were hurried through the House, Mr. Grenville asked to what end was the present bill to be so rapidly and so indecently urged? Was it to be supposed that the other House should so far forget their own honour and dignity, so far lose all sense of what was due to God and their consciences, to consent to pass a bill so big with despotism, so arbitrary, so harsh, so violent, and so unjust, as that then under consideration? Nor was the bill so objectionable in the point of view that he had placed it in, as it was in another, to which it yet remained for him to advert.

No,

No, it was harmless as the waste paper on the table, compared to the consequences that must necessarily follow to the liberties and constitution of the country, should such a lamentable misfortune occur as the passing of it into a law. The bill was calculated to increase the influence of the Crown, and that in a degree beyond all precedent enormous and alarming. Its obvious and unavoidable effect would be to transfer the boundless patronage of the Indies to the Crown, or rather to vest it for five years in the person of the Minister and his adherents, whether in or out of power. This was a consideration infinitely greater than any he had mentioned before; what was it but to lift a right honourable gentleman into a situation wholly unknown to our constitution, a situation from which he could not be driven or moved till he chose voluntarily to abdicate his dictatorship! The right honourable gentleman had indeed talked of a term of years, at the expiration of which the commission was to cease and determine; but he had too good an opinion of his talents, too high a sense of his spirit and daring ambition, to suppose that, having possessed himself of such inordinate power, he would ever condescend to lay it down, or to become once more an humble individual. It was not in human nature, it was not, he was sure, in the power of any man in that House to perform such an act of self-denial. That he did not colour this too strongly, Mr. Grenville said, was easy to be proved: the bill was full of blanks, and these blanks were to be filled by that House. It was talking a parliamentary language to say the Minister was to fill the blanks, and that the seven commissioners were the seven nominees of the Minister. Seven commissioners, chosen by Parliament ostensibly, but, in reality, by the servants of the Crown, were to involve, in the vortex of their authority, the whole treasures of India. These poured forth, like an irresistible flood upon this country, would sweep away our liberties, and all that we could call our own. If the right honourable Secretary, two nights ago, was afraid of the influence of Mr. Hastings, an individual who would have been unknown in this country, but for his connection with India; if he expressed a fear lest the patronage that Mr. Hastings possessed might defeat the progress of his bill, and shuddered at the idea of Asiatic interest prevailing under the authority and name of a subject unconnected with great families and great factions, over the power of Ministry; how much greater reason had the independent members of that House to be afraid lest the wealth and patronage of India, thrown
into

into the hands of uniting factions, and these armed with the power of the Crown, should perpetuate their authority, and render it irresistible? To talk of Parliament nominating the commissioners for governing India, was to mock the understanding of the House. The commissioners would, to all purposes, be the nominees of the Ministers of the Crown. The right honourable Secretary talked of the fluctuations in Administration as a ground for establishing the power of their own creatures and dependents, for not a shorter time than five years. He desired the House to advert to this circumstance. It was an attempt to blindfold the House: for, were the commissioners to be appointed by the Ministry, the Parliament might possibly turn them out of their offices, in case of misdemeanour when in them; but secured by an act of Parliament, protected by the British Legislature, they would remain fixed in their seats, and form a basis for the support and stability of that Ministry by whom they were created, and to whom, if continued in government, they might reasonably, and naturally look for a renewal of their lease of power. But by whom was so bold a scheme, for the increase of their own power, by the increase of that of the Crown, planned? Chiefly by the man whose voice had been loudest in the cry, that the influence of the Crown was excessive, and big with danger and ruin to the liberties of this country. How small a portion does all that has been taken from that influence bear to the accession that it will receive by this bill, if suffered to pass into a law? A thousand and ten thousand times greater strength will be added to the Crown, than that which by all our reformers hath been taken from it. After pursuing this strain with great elaborateness for some time, Mr. Grenville, reiterated his appeals to the House on the immediate relation the subject bore to their dearest rights, exclaiming, *libertas et anima nostra in dubio est!* At length he concluded a very animated speech in this manner: "I do not deny that something ought to be done for India, and that with all convenient speed; but as the subject of the bill, brought forward by the right honourable Secretary and his colleagues in office, is of vast importance, and involves in its nature and consequences the liberties and properties of all British subjects, let them then enter upon the consideration of its different clauses coolly, cautiously, and unwillingly, not with the precipitancy and ardour of plunderers, eager to grasp at, and to hold fast, their prey."

Lord John
Cavendish.

Lord *John Cavendish* said, that had he been a peer, he would have set his name to the protest adverted to : for, at the time in which it was passed, the situation of the Company justified the manly sentiments which it breathed ; but still he would vote for the second reading of the bill on Thursday next, because he felt that it was absolutely necessary for the support of the East-India Company. The bill then before the House, or some bill or other calculated to effect a reform of the management of the Company's affairs, was actually necessary ; and unless some bill, adapted to such a purpose, was passed, and that immediately, the Company would be forthwith ruined, their credit lost, and the national credit in consequence violently shaken. Let the honourable gentleman look at the situation of the Company at the time to which he had alluded, and at present, and see if they would bear comparison. Then the Company were in distress it was true ; but were they bankrupts ? Was the revenue a sufferer ? At present it was to the amount of a million in customs, besides the other sums due to Government, and the debt was more likely to increase than diminish. With regard to his private opinion as to India, Lord John reminded the House that he had delivered it unreservedly in the last session of Parliament : it remained the same now. He had then said, he wished to God every European could be extirpated from India, and the country resorted to merely on the principles of commerce ! by which he meant, that the trade between Great Britain and Indostan might be carried on in like manner as we now carry on our trade with China. But was that possible ? Gentlemen knew it was not ; and it required little argument to prove that all political measures must be adapted to the circumstances of the times, and the situation of the countries in which they are to be carried into execution, and to which they are to be applied. Fatal experience had proved, and indeed it was almost universally admitted, that the constitution of the East-India Company was radically defective ; that it was devoid of vigour, incapable of effect, and pregnant with abuse. The nature of the case called loudly for a new system ; in the operation of a new system, power and supremacy must necessarily lodge somewhere ; and where could it be placed so properly as in the hands of the Crown, subject to the check and control of Parliament ? This was the characteristic of the system laid down in the bill that had been read that day ; and till a better system, a system more wisely planned, and more likely to

to be efficacious was suggested, he should consider it his duty to give it every possible support. He added, that as he knew that the emergency was pressing, and that some system must be carried into execution with as much dispatch as was practicable, he held himself bound to vote for the motion. With regard to the charge of the present bill's violating the chartered rights of the Company, it could not avoid it, and it did not set the precedent of such a practice. If the House would advert to the bill brought in last session by a learned gentleman, and supported by the then Administration, they would find the chartered rights of the Company were as much invaded by that bill as they were by the present.

Captain *Luttrell* said, if he felt disposed to follow the honourable member who spoke first, throughout his arguments, he should not think himself warranted to do so, because he did not understand there was any question before the House respecting the merits of the bill, but merely whether they should be considered on Thursday next, or postponed to a future day, for the purposes of obtaining a full attendance by a call of the House, and of giving gentlemen a longer time fully and deliberately to consider the principle of the bill before they gave their assent to it. He was, in truth, more surprised at this attempt to procrastinate the business, than at seeing a right honourable member hastily rise to check the progress of it in the outset, by reprobating the system, because he had observed it to be very unlike that which the late Administration had in embryo last year; but he hoped it would lie dormant for ever, unless the plan was a better digested one than what that Minister brought forward to regulate the commercial intercourse between this country and America, and which, though an object little inferior to the present in importance, he pressed into a Committee when there was not even a House! for he perfectly well remembered observing to a right honourable member, (who pleaded for postponing the business, owing to the thinness of attendance) that his point might be secured by counting of numbers; and although the then Minister of the House forced that bill through every stage he was able to travel it, with the attendance of less than one hundred members, yet, upon the present occasion, at the very moment that the house and gallery were crowded with members, and almost every man giving a voluntary attendance to his duty, that could be brought to it by any compulsory means whatsoever, that right honourable member urged a necessity for the call of the

Capt. Luttrell.

House, preceding a second reading of the bill. He really had hopes, that upon consideration, the right honourable member would have waved the objection, seeing it a feeble, if not an indecent one to make, upon the ground of giving more time to consider the principle of the bill. He would certainly determine with the honourable member who proposed it, if the second reading was the only stage in which that objection could be made; or, even if he had hopes, that by studying the letter of the bill for three weeks, or for three months, he could form a competent judgment, to venture the delivery of his opinion on a subject of such intricacy, and requiring a depth of knowledge, which, by no better means of attaining, he should despair to reach the surface of. He knew the right honourable member, who moved the call of the House, possessed a vast fund of information on that and every other political subject; that he was quick in his comprehension, and eloquent in his delivery; he can outrun by the study of a day the judgment that most men would acquire by the study of a year; therefore, if the time of the second reading was necessarily the conclusive period to the argument on its principle, that the right honourable member would be fully possessed of materials for it in less than half a week. It was to his arguments, and to such insights into the business as they might gather at the second reading of the bill, and in its progress through the Committee, from the peculiar abilities of the right honourable mover, that those equally dull and uninformed with himself might hope to form a tolerable judgment, whether the principle of it, as well as its component parts, ought to be assented to. The right honourable member should recollect how peremptorily he called upon Ministers, not only to bring a proposition forward, but to carry into immediate execution some plan for the better government of India. The necessity of such a measure was seen by every man who would look to the suspension of law and power in that country, and to the want of authority in those who have nominally the direction of it in this. To improve the police and revenue of India in a manner best suited to the honour of Britain, must surely be every man's desire. Why then did they differ in the mode of attaining that desirable end? No; where was the alternative? You must either let anarchy and confusion, distrust and distress continue, or adopt some plan of experiment. Those who object to this bill, bring no other for their choice; perfection is not to be expected in any experimental law.

It

It may require the work of ages to make this perfect ; but it has the advantage of coming recommended by one of the most able and active Ministers that ever sat on that Treasury Bench. He was a Proprietor of India stock, not coming within either of the descriptions pointed to by the right honourable Secretary of State, in his opening that business : he became a purchaser, not because he thought it the most advantageous fund to vest his money in, but to have the means of attaining some knowledge of East-India commerce at the General Courts, and to give his vote in favour of those whom he thought most equal to the direction of it. He had not, he believed, a hat acquaintance with any man of power in India, nor with more than three of the Directors at home ; he looked for no favour from them in either country, but he had uniformly given his vote at the India House in support of Mr. Hastings, because from all he had read, and all he had heard respecting that gentleman, he believed him to be less rapacious, and to have cleaner hands than any other man who in modern times has possessed equal power and opportunities to enrich himself. That his government appeared arbitrary in the eyes of Englishmen, he did not wonder at ; but before he condemned it, he must know that the tempers and constitution of the people there do not so far differ from those of Europeans, as to render severity excusable, if not commendable, when exercised only for the purpose of preserving command ; for among the many respectable characters he had seen return from India to this country, he scarce remembered one that did not seem to him to have much to unlearn to suit his carriage to that equality which is the glory of British subjects. But if what an honourable and well-informed Governor had so emphatically urged were really true, that all the mismanagement complained of at home, and the tenfold calamities which have been, and are still, felt abroad, really proceed from Ministers having put into the direction (for sinister purposes) men unequal to the task, no better argument need be used for altering the system of that government. He did not pledge himself to adopt the present, or any particular plan ; but he certainly liked that proposed, better than to leave the East-India affairs in their present state. If any other system for the government and commerce, and better conducting the government of India, should be proposed, he could say with truth, that he would make his election in favour of which ever plan he should judge promised best to tend to the honour of this country,
and

and to the prosperity of that, without suffering either private friendship or personal property to weigh a feather in the decision. He said, for the reasons he had given, he would vote for the bill's being read a second time on Thursday next, particularly as the call of the House must precede the report, when he should consider himself at liberty, as every other gentleman would be, to object to the bill *in toto*, if they disapproved its principle or its clauses.

Mr. Herbert.

Mr. *Herbert* in a very short speech admitted the necessity of adopting a system of reform, for the purpose of relieving the distress, and regulating the affairs of the East-India Company ; but as the system laid down in the bill was altogether new and extraordinary, he thought the delay of three days could do no harm to the bill, and was a reasonable matter to be expected.

Commodore Johnstone.

Commodore *Johnstone* did not object to the second reading of the bill on Thursday next, upon the ground that there was any event of information which a few weeks longer delay might be expected to supply, but because all the members were not in town, whom he wished to be present ; yet he frankly confessed, that no time was to be lost, and that the determination of Parliament, with regard to India, should be ready to be sent with the ships that were to sail in February ; for should a delay of six weeks longer be occasioned, that delay would make the odds of three or four months in the arrival of the ships in India. He wondered that Mr. Luttrell should express an approbation of the new regulations for India, and yet admire the character and conduct of Governor Hastings, since the facts were all charged upon Governor Hastings that had made a change in the system of India affairs necessary. He said it was generally his lot to stand alone, and singular in his opinion, and such ever would be the case, where men acted independently, and solely from the unbiassed influence of their own minds. That on the present occasion, he as much differed in some respects from the opinions of the gentlemen on the side of the House on which he stood, as from those of the Ministry and their supporters. If there really was as much necessity for a new system, as gentlemen were all ready to admit, he would be fair to say, the bold proposition of the right honourable Secretary of State would be more advisable than the half-measure proposed by the late Ministry last session. Before the necessity was admitted, it ought to be proved. He expatiated on the violence and injustice of intermeddling in

in the affairs of the Company without trying them, and proving any delinquency against them. He illustrated all this by comparing their situation to that of an oppressed individual. It had been said, and urged as a reason for controlling the Company's affairs, that they were in a condition of bankruptcy. The Commodore insisted, that their affairs were in a very good train, if Government would only leave them alone. He said, that during the pressing exigencies of the Maratta war, Governor Hastings had drawn on Government, and Lord North had accepted his bills, and given him leave to draw more upon the Treasury, which were not accepted. Mr. Johnstone contended, that Government was bound to pay bills of the East-India Company to the amount of 600,000*l.* and that it was exceedingly unjust and hard that the Company should be charged with bankruptcy, which the failure of Government, in their promise, had occasioned. He said, that affairs had been better managed in India than in America; that undoubtedly infinitely more money and lives had been wasted on America, which we had lost, than on the East Indies, which we had retained: yet all the cry of reform, at present, was founded in the pretended misconduct of Governor Hastings. Matters at no period had been in a more flourishing situation in India, since ever we had any footing there, than they were at present. The revenue was greater than it ever had been, and more faithfully collected. It was true, there had been an interruption in remittances, and some millions had been expended in India, which we expected should come home—but the war made this necessary—a very terrible war, carried on by the French, the Marattas, and Hyder Ally—a war, he would maintain, as difficult, as threatening in its first appearances, although more prosperous in its issue, because conducted with greater vigour and wisdom than the war with America. The great point contended for by the Commodore was, that the House, before they should advance to any serious discussion of the bill, should hear the East-India Company by Counsel at their bar. Last year they had excellent Counsel, he said, of which (alluding to Mr. Erskine) they were now deprived. He himself, with some other Proprietors, had called upon the Directors to summon a Court of Proprietors; and in compliance with his desire, they had called one to meet so early as to-morrow; and he understood from some gentlemen of the law to whom he had spoken, that they could not receive their instructions, and
be

be ready to appear before the House to argue against the bill, in less than ten days : it was for this reason alone that he wished for a delay of a few days ; and he did not think that he asked for too much, when there was an intention of opposing with every argument that law could furnish, a bill which went to dispossess the Company of every thing, even of their papers, books, and house in Leadenhall-street. The bill had come suddenly upon gentlemen ; even the Chairman of the East-India Company had not heard of it till it had been mentioned and opened by the right honourable Secretary ! for he himself had asked him in private ; and had got a friend to ask him in the Court of Directors, if he had heard of it before ; and he declared upon his honour that he had not.

Sir Henry
Fletcher.

Sir *Henry Fletcher* said, 'that he had been applied to in the Court of Directors to say, if he knew in what manner the Company was to be attacked by Government ; if he had been well informed on this subject by his Majesty's Ministers, he must have received his information either officially, and then it would have been criminal in him not to have communicated it immediately to the Court, or confidentially ; and in that case he could not reveal what he had so heard, without a breach of confidence : he therefore answered that in truth he knew not what plan his Majesty's Ministers would adopt, for they had not made him acquainted with their intentions, which was the fact. As to the question before the House, he thought it his duty to vote for it, because he knew the Company's affairs to be in a situation, such as they had never been in before : formerly they had been obliged to apply to Parliament for pecuniary assistance : but even then they were able to pay customs to the Crown ; but now the debt due to the King amounted, or very soon would amount, to near 2,000,000*l.* and the state of our settlements was such, that he was afraid the most fatal consequences would ensue, if something was not done by Parliament without the least delay ; the governments of Bengal and Bombay were actually engaged in a paper war, each throwing upon the other the blame of being the authors of the Maratta war : the governments of Bengal and Madras were in a still worse situation ; for the Governor General and Council of the former had carried matters so far, as to debate this question, " whether the Governor and Council of Madras should not be all removed ?" and the point was so seriously debated, that the question was negatived
only

only by a majority of one; so that if that one person should fall off, the question would then be carried; and God alone could foresee the consequences. He was therefore of opinion, that Parliament had not a moment to lose; their proceedings ought to be wound up by the month of February, that the result of them might be sent out with the ships in that month: for if they should not sail then, a very short delay here, after that season for going to India, might in the end make a difference of three or four months in the arrival in that country: after the Commissioners should be named by the act of Parliament, they ought to have five or six weeks to prepare their instructions for the different governments in India; and therefore he was of opinion that this bill, or some other, ought to pass without a moment's loss of time.

Mr. *Anstruther* declared, that when he reflected that the affairs of the Company were in a state of anarchy abroad, and confusion, if not bankruptcy at home, he was of opinion there was no longer time for delay. The grounds upon which gentlemen would form their opinions with regard to the bill, which was before them, would be the matters of fact which the Select and Secret Committees had laid before them, and the reasonings or judgment of the House upon those facts. Their determinations would flow either from a simple view of facts, or be founded on reasonings, or arguments *a priori*. In which ever of these ways they should form their opinions, there could not be any pretext for procrastination. The radical defects in the present system of India affairs, were already pointed out by the Committees. These defects being understood, and all the facts they expected being before them, there could be no good reason for delaying the consideration of business so pressing for a moment, especially when they considered the bill, after its spirit and tendency had been canvassed in the Committee, might, if disliked on the whole, be opposed on the third reading. This was the substance of Mr. Anstruther's first speech in Parliament, and it was heard with great applause.

Lord *Apsley* in reply to Mr. Anstruther, observed, that although much matter had been laid before the House by the Committees, and that they had also pointed out the radical defects in the system upon which this nation had governed India, yet no specific proposition had been submitted before Tuesday last, whereby those defects might be remedied; they ought to be allowed time to discuss a matter of so

much importance, to weigh its consequences maturely, and to take care before they trusted the Minister with so much power, that it was not an engine capable of undermining the constitution. The avowed object of the business was to support the tottering credit of the East-India Company, to preserve our territorial acquisitions in India, and to give happiness and security to the natives of that quarter of the globe; to proceed with indecent haste in a business so momentous, his Lordship said, would rather resemble the rapacity of plunderers, than the steady pace of well meaning friends.

Mr. Yorke. Mr. *Yorke* spoke against the motion, and contended strongly for the adjournment, which was only for three days.

**General
Smith.**

General *Smith* was for the motion; he entered into the defence of the Select Committee, which had been so often abused. He claimed the protection of the House against attacks so unjustifiable, and so vague; that Committee had been actuated by the best motives, and they had given way to no personal animosities, to no private designs; but were actuated by the single principle of restoring the state of Indostan to the peace and security, which was the equal right of all the human race: he read an extract of a letter from a person in high rank at Calcutta, stating the general satisfaction that the bill for regulating the Supreme Court of Judicature in Bengal, had given to all the natives: this bill had taken its rise in the Select Committee; and though it was called General Smith's bill, the merit of it was due to his right honourable friend (Mr. Burke) for except some local knowledge which he had imparted to him, the whole of it belonged of right to the right honourable member himself. As to the Maratta war, it was now so odious, that no one was willing to allow himself to be the author of it; hence sprang the paper war between the governments of Bengal and Bombay. But he would state that matter in its true light. The latter, unquestionably, began the war; but after the capture of the detachment that was marched over the peninsula of India, the war might be said to have ceased, for hostilities were completely abandoned; not because any peace or truce had been concluded; but because by a singular disposition of the Marattas, unexampled in the annals of Europe, they felt no inclination to go on with the war: after this period, Mr. Hastings sent orders to Colonel Goddard, to send certain propositions to the Maratta Ministers, to which a categorical answer was to be deman-

demande to be given in 24 hours. The whole Council protested against these orders, saying, that they would inevitably produce a war: the orders, however, were peremptory, and were therefore obeyed; a war was the consequence, who, then, could be said to have been the true author of it? The question answered itself.

Mr. *Jenkinson* imagined that the point which wanted most to be determined was, whether the bill ought to be read a second time next Thursday, or put off till the House had been called over. He could see but little difficulty in determining that point; for if the object before them was interesting, it certainly was the duty of every one present to prolong the time, before its investigation, to the latest period. He stated the commission as the setting up within the realm a species of executive government, independent of the check or control of the Crown. This he deemed an innovation on the constitution, and therefore a matter that ought to be most seriously examined. He charged the system also with injustice, inasmuch as in the right honourable Secretary's opening it the other day, he had rested the necessity of it entirely on the misconduct of the Governor General in India; whereas by the operation of the system, the faults of the servants were to be punished on the masters. He said several things respecting the very dangerous tendency of the bill, and exposed the boldness of the men who could venture to propose a measure that threatened such ruinous consequences to British liberty. But his chief force was directed against the influence which Ministers were likely to derive from the event of such a terrible system. He said it would not only give them an unbounded power over the interests and possessions of the east, but render their posts so formidable as to endanger the rights of every free Englishman.

Mr. *Scott* gave the House the first specimen of his talents; Mr. *Scott* he said, as he had not had it in his power to give that patient consideration to the present business which its importance demanded, he should be obliged to confine himself to a narrow view of the subject. Gentlemen who resided at a distance, and who were not nearly concerned in the fate of any enquiry; were but ill qualified to give a just and decided opinion; for it was a very necessary thing to consider, before one could conclude, and to deliberate maturely before one could decide. This process he had not observed; he was nevertheless clear to say, that the bill seemed to him rather

ther of a dangerous tendency; but he would not declare against it. He would rather wait till he had got more light thrown upon the subject; and as he was attached to no particular party, he would then vote as justice seemed to direct. The two principal things which, in his opinion, the House ought particularly to enquire into, were, "whether the bill was indeed necessary, and whether it was calculated to answer all the ends proposed by it?" With regard to the first, it was the general opinion of both parties, that some new system was necessary, and he thought it incumbent on the wisdom of the great senate of the nation, to give effect to the one now held forth to them, or to reject it, and propose another, as the interest of the nation should appear to be encreased, or diminished by it. Respecting the second head, he could not say any thing decisive. The researches of the House could ascertain that, and nothing else; and for his part, he was determined to add his endeavours, and to join issue in that cause, which should promise the most happiness and prosperity to the nation. The influence of the Crown, he said, had been much diminished of late, and certainly for the two last years it had not been encreasing. Whether the bill would encrease it or no, he should be able to ascertain by Tuesday se'nnight. He meant to give an opinion upon it, and he would assure the House, he would form it elaborately; and when he gave it, it should be an honest one. He thought there ought to be time allowed for gentlemen, not yet in town, to come up. Had not his professional avocations called him to town, he declared he should have been still in the country; he was, nevertheless, aware, that India affairs were expected to come on soon, and that his Majesty had given the House notice of it in his speech from the throne. But in that speech they were called upon to consider and deliberate; and it was now evident the Minister, instead of desiring them to consider, meant that they should conclude, and that they should decide instead of deliberate. In the multitude of Counsellors, he said, there was wisdom; from that principle, he hoped gentlemen would be disposed to join unanimously in devising the means of restoring the power and riches of the State.

Mr. Fox.

Mr. Secretary Fox paid some very handsome compliments to the gentleman that had just spoken, and expressed a high opinion of his abilities and his goodness. Though he had not had the pleasure of hearing him speak before in that house, yet he was not a stranger to his eloquence, and did not

not doubt of hearing it employed at all times on the side of equity. He could not, however, forbear taking notice of a thing that had fallen from the honourable gentleman's mouth. He had observed, that before one could decide, it was necessary to deliberate; but how had he acted in the instant business? Not, sure, consistently with the maxim he had laid down; for, without any opportunity of deliberating, he had ventured to give his decision, and he thought with a good deal of positiveness.

The honourable Secretary observed, that he could foretell what was to come from an honourable gentleman on the opposite side of the house (Mr. Jenkinson) long before it came to his turn to speak. He well knew that the Crown influence, which was a favourite topic with the honourable gentleman who first opposed the motion, would be taken up by him. He could not blame him for taking up his friend's cause, although he thought that it would not have been done in the manner he did. To see each gentleman acting by instructions, and speaking what his friend had broached, was rather to view them in an inferior light. He really thought that they were both able enough, at least they ought to be able enough, to think and speak for themselves. But when he heard the doctrine of separating the Crown and its Ministers, and talking of them as divided interests, broached by the right honourable gentleman, who opened the debate, he looked immediately at the last speaker but one, convinced that he would be the leading speaker of the day, for that such a doctrine could originate in no other quarter. In some respects, indeed, the Ministers and the Crown were distinct objects; where the measures of Government called for censure or punishment, there the Ministers alone were responsible; but with regard to most other points of view, nothing could be so egregious as the endeavour to draw a distinction. In the present case, in order to guard as much as possible against the danger of encreasing the influence of the Crown, the Ministers were loaded with a responsibility that balanced their power, and insured to the people that no ill use would be made of it; besides, who were appointed to check and control it but that House? With regard to that Crown power, or rather ministerial power, for so they had absurdly called it, he saw no difficulty in answering all the objections that had been started to his bill on that account, for it never was intended that the Crown influence should be increased by the plan proposed, at least but in a small degree. The
appoint-

Right Hon.
W. Pitt.

The right hon. *W. Pitt* replied in an ironical manner to mostly all the particulars of Mr. Fox's speech. There were, he said, many weighty reasons that induced him to reject and detest the bill. The accession of power, which it would most certainly bring to the Minister of this day, was not the least considerable of these. He dreaded the idea of seeing Ministers armed with an influence which could not fail of rendering them dangerous to the state: and he dreaded the effects of that influence, the more that its operations were not likely to end with the dissolution of the Ministry that possessed it. Their privileges would be so extensive, as to gain them a party that no power could resist, whether they were in power or out of power. The right hon. Secretary was so conscious of the injustice and insufficiency of his plea, that no sooner had he affirmed that the power of the Crown and of the Ministry were one, than he immediately added, in some little matters, perhaps, they might differ. We hope, says Mr. Pitt, they do differ very materially: whenever a Minister trespasses the bounds of moderation, or of justice, we hope we shall always be able to distinguish the Minister from the Sovereign. The honourable gentleman has been at pains to attempt reconciling interests and powers, which are believed to be different. It must be confessed, that he has a very rare talent at reconciling inconsistencies. The honourable gentleman said, that it was his sincere wish, that a bill, so big with ruin to the nation, might be checked in its progress: he pledged himself to the House, that he would willingly take the field with his antagonist, and dispute every article that seemed to militate against the freedom and felicity of his countrymen. He had been at pains, he said, to try if he could but define the reasons, or even the motives, that led to so new, so insolent, and so precipitate an attack, on the rights and liberties of mankind. But he could discover no reasons except one, that by introducing the bill at so early a period of the session, and hurrying it through the House without allowing it a full discussion, he might obtain the noble end of settling the Ministers in unbounded and absolute power. He had talked much of the necessity of reformation in the laws of India: but reformation did not seem to be his plan. He did not seem to shew a disposition to cure the disease by correctives; he must at once, by one bold experiment, exterminate the very seeds of disorder. The right, he added, by which our gracious Sovereign holds the sceptre, is not
more

more indisputably confirmed, than that by which the East-India Company holds those deeds, and those territorial and commercial emoluments which the hand of oppression is now about to wrest from them. He said he would not take the sense of the House on the question, but would leave the infamy of the intrigue to their own heads.

Mr. *Erskine* spoke, for the first time : he said it was curious enough to hear a right honourable member who opposed the motion, express such a tenderness for the chartered rights of the Company, though he had in that House endeavoured to rob of their chartered franchises so many electors in this country, whose rights to their franchises were nearly as old as the constitution. As to the right of the Legislature to interfere with charters, the right honourable member had often maintained in that House, that the power of governing ought to be extensive with the thing governed : now he would leave it to the ingenuity of the right honourable member, to reconcile his language this night with this principle. But the delay was to be granted for the purpose of procuring a full attendance of members ; for his part, he remembered that on Tuesday night he wished to have addressed the House on this very subject ; but being seated under the gallery, and not being sufficiently acquainted with the orders of the House to know whether he could speak from that place or not, and not being able to find another in the House, it was so thronged, he was obliged to desist from his purpose ; after that circumstance, he was surprised to hear gentlemen wish for a delay, in order to procure a full attendance. But it was that gentlemen might be informed, before they should be called on to give a vote : here, however, the right honourable opposer of the motion forgot himself ; for if this was the real object of the delay, it would answer no good end, as the right honourable member was willing that the bill should be read a second time on Tuesday se'nnight, that is, on the day after the call of the House, and before the call should take place. Hence it would follow, either that those who were already well acquainted with the matter should wait the arrival of persons, who, after all, would be called upon to decide before they could have time to deliberate ; or that those who knew nothing of the matter, might outvote those who did ; and might consequently defeat a system, which, for ought they knew to the contrary, might be most salutary. He reminded

Mr. Er-
skine.

the House, that when sitting on the honour, character, and fortune of an Englishman last year, while he was pleading at their bar, the House was counted out; were the chartered rights of a company more valuable and more dear, than the personal consideration of an individual? He remarked, that an honourable gentleman had done him the honour to lament his loss to the Company as their pleader; he knew not that he deserved this honour; but he assured the honourable gentleman the Company should find him their counsel and their friend, for he considered the present bill as holding out the helping, not the avenging hand of government.

Mr. Arden.

Mr. *Arden* said, that an honourable member had the other day taken upon him the office of Mr. Fox's panegyrist: he had extolled him to the skies, and described him as comprehending the whole globe with his comprehensive eye. He did not doubt of the truth of all that; he had only to wish that he could turn his eye to the east, and see to undeceive himself in some instances, that seemed to refute the assertions of his panegyrist. The honourable Secretary had promised them a system that was to establish perpetually, if the nation chose it, the liberty of India, and to enrich and aggrandize the subjects of Britain; he wished he could see it. He said, there was a time, when, if such a proposition had been made, the honourable gentleman would have been upon a stage in the streets the next. He ridiculed the scheme as the most futile and frivolous that ever wore the name of a well-digested system. What was it but saying, "Leave the whole to me and my seven assistants, and I'll answer for all's doing well." He declared, he regarded Lord North as a King, and the right honourable gentleman as an Emperor, the Emperor of the East! The seven Commissioners also might be considered as seven Emperors, seven holy Roman Emperors, tributary and subordinate to the Emperor of the East. The advantage of the situation in which the right honourable gentleman meant to place himself was, he said, an ample recompence for a ten years opposition.

Mr. Burke.

Mr. *Burke* replied, and with great vehemence ridiculed and reprobated the conduct of opposition, as the most unjust and unprecedented ever known or practised. Their arguments, he said, were arguments of the heart, and not of the head, and therefore were incapable of an answer. They knew their own base minds, and therefore imputed base motives to others, when they could not arraign the system itself. Mr. Burke

Burke talked of his labours in watching and examining the nature of the patient's disease, as if he felt the ingratitude of those who did not consider their value. He said he had sat by the bedside of the patient for several years, and now he knew the patient's habit and constitution, and was perfectly acquainted with the force and tendency of the disorder, and what was the fit recipe. Opposition, perfectly ignorant of each, came and exclaimed against the violence of the medicine. Opposition said, these bolusses are too large, this purge is too strong, this blister too broad, you are going to take away too much blood, and you will kill the patient. This was, he said, the exclamation of ignorance and folly. He also reprobated the scurrilous invectives which they prematurely applied to a plan that yet they were perfectly and confessedly unacquainted with. The honourable gentlemen (alluding to Mr. W. Pitt and Mr. Grenville) were sounding the trumpet of alarm, and exciting tumults against a system which would operate to the deliverance of the empire.

Mr. *Wilberforce* answered Mr. Burke; and, with humour and ability, he compared the seven commissioners to seven physicians and eight apothecaries come to put the patient to death *secundum artem*. After laughing with this idea, he became more serious, and said he wished that in the end, if the present bill passed, we might not see the government of Great Britain set up in India, instead of that of India in Great Britain.

Mr. Wilberforce.

Mr. *T. Pitt* rose to reply to Mr. Burke, who in a part of his speech had charged Mr. Grenville and Mr. W. Pitt with having sounded the trumpet of alarm, and endeavoured to raise the clamour of the public against a system, new indeed, but neither examined nor known. Mr. T. Pitt declared, if he happily possessed a warning voice, he would endeavour to make it heard against a bill of so alarming a nature in the remotest corners of the kingdom.

Mr. Thos. Pitt.

Mr. *Samuel Smith*, jun. stated the situation of the Company's affairs from a paper full of figures and accounts, with a view to overthrow Mr. Fox's statement on Tuesday last.

Mr. Sam. Smith.

Commodore *Johnstone* said, he understood it would be unfair to divide the House, after what had fallen from an honourable gentleman below him; and yet he knew not how to act, as he had given his word to several India-stock proprietors that he would take the sense of the House, in order to ascertain how the Chairman of the East-India Company and the Directors, that were members of that House, would divide.

Com. Johnstone.

vide. If Sir Henry Fletcher meant to support such a bill as that in progress, he ought, the Governor said, as a man of honour, to resign his trust, and give up the chair to some Director more zealous for the Company's interest.

Sir Henry
Fletcher.

Sir *Henry Fletcher* rose, and observed, that the question was not upon the merits of the bill, but merely as to the day when it should be read a second time. That he should certainly vote for the question; but he was not prepared to say how he should act respecting the bill. There were in the *breviate*, read from the chair that day, many things of which he had never before heard, and which he must consider before he formed a decided opinion respecting them. This, however, he knew, that the Company stood greatly in need of relief, and that immediately.

Mr. Wil-
kinson.

Mr. *Wilkinson* rose also, and declared that, being strongly impressed with a sense of the Company's distress, he likewise should vote for the question.

At length the question was put, and carried without a division.

November 21.

In a Committee of Supply the Land and Malt taxes were voted, as also those on Mum, Cyder, and Perry.

Lord John
Cavendish.

When the House was resumed, Lord *John Cavendish* rose to make his motion for a Select Committee, to be appointed on Wednesday next by ballot, to enquire into the illicit trade carried on in this kingdom, to the detriment of the revenue, and report their opinion thereon. His Lordship made a short introductory speech, in which he stated the absolute necessity of adopting some measures to check the practice of smuggling, which had been carried to an alarming height. In the year 1746, such a Committee as he now was about to move for had been instituted, and very severe regulations were adopted in consequence. It would be for the consideration of the Committee and the House to determine, whether vigorous measures were the best calculated to produce the great end of checking illicit trade: for his part, he would not hastily resolve in the affirmative; but, beyond all doubt, some measures were absolutely necessary, as gentlemen would find, when the Committee, if voted, should have made their report to the House. The smuggling vessels, he understood, were chiefly manned by the most resolute seamen, such as, during the war, were distinguished for their contempt of danger: such men would prefer a life of danger, with the prospect of making a great deal of money, to a private station,

tion, where, by honest industry, they might be able perhaps barely to earn the necessaries of life. His Lordship concluded by making his motion.

Sir *Grey Cooper* seconded it : he said that much information might be had by the Committee, if the House should agree to the motion, from the two great Boards of Customs and Excise : directions had been given to each of them at the beginning of the autumn by the Lords of the Treasury, to collect as much information as possible on the subject of smuggling : one of these Boards had already made a report ; and he understood the other was in great forwardness. From the one that had been made it appeared, that all along the coast of England, from Yorkshire to the Land's End, there were employed in the smuggling, 128 vessels, carrying from 8 to 28 guns each ; that besides these, there were 150 of a smaller size, which carried no guns. It appeared also, that on the western coast it was customary, when a smuggling cutter bore in sight, for a body of men, sometimes 800 in number, to wait for her on the coast, and take charge of the cargo when it was landed ; these men had sometimes in waiting 40 waggons, which were loaded with the smuggled goods, and escorted into the country by these 800 men : the goods were afterwards circulated through the country with permits, some of which were forged, and others obtained by collusion with merchants. This was a crying evil which called for a remedy, which he hoped the Committee would be able to discover.

Sir Grey
Cooper.

Sir *George Yonge* said, that no one doubted of the existence of the evil of smuggling, or even of the extent to which it was carried on ; and therefore it was not so much information on the subject that was wanted, as a plan for remedying an evil which every one knows to exist to an alarming degree. Many plans, he knew, had been suggested to the Treasury by large bodies of respectable merchants ; and among them, possibly, something useful might be discovered ; and therefore he wished these plans might be laid before the Committee.

Sir George
Yonge.

Lord *John Cavendish* said, it would be of very little use to lay before the Committee the various plans that had been suggested to him ; he was sure a cart could not contain them all ; and he could assure the House, that very many of them were unworthy the attention of the House : every one knew that there were scheming individuals without number, whose heads were stuffed more with projects than brains ; gentlemen

Lord John
Cavendish.

men would therefore easily conceive that the productions of such men must, in most instances, be chimerical.

Sir George Yonge.

Sir *George Yonge* said it had never entered into his head to call for such plans as such projectors might propose; what he wanted to have laid before the Committee were the plans sent to the Treasury by large bodies of respectable men in trade.

Sir Grey Cooper.

Sir *Grey Cooper* observed, that as the Committee would have the usual powers, they would be at liberty to call for what papers they pleased. The Speaker put the question, and the motion was agreed to without any opposition.

Lord Ma. hon.

Lord *Mahon* called upon the Speaker for his opinion on a point of order. Notice had been given by an honourable gentleman, member for London, (Mr. Alderman Newnham) that he would move some day after the holidays for the repeal of the Receipt-tax act. Leave had been since given to bring in a bill to explain and amend that act: the question therefore that he had to put to the Chair was this — “If the bill for explaining and amending the Receipt act should pass this session, would the orders of the House admit a bill for repealing the tax itself to be brought in this same session?”

The Speaker.

The *Speaker* said, that as the whole session was, in the eye of law, only as one day, the order would not suffer a bill to be brought in for the purpose of repealing an act passed the same session: the reason was, that it could not be supposed that any assembly would make and unmake a law in the same day. It was the same with a bill for explaining and amending an act; for as such a bill must be supposed to fortify and confirm the act in every part which it did not alter, so, if such a bill should pass into a law, the order of Parliament would not suffer another bill to be brought in the same session for repealing the former act so amended and explained; and for the same reason that he had stated in the former case. And therefore, if any one wished to have the Receipt tax repealed this session, he would inform such person, that if the bill ordered in by the House, to explain and amend the act by which that tax was imposed, should pass, he would find himself precluded, for this session, from moving for leave to bring in a bill to repeal the tax.

Lord Ma. hon.

Lord *Mahon* returned his thanks to the Chair for the opinion that he had just heard from it; and then reminded gentlemen, that all those who wished for the repeal of the Receipt tax would of course be obliged to oppose the bill moved for yesterday by the noble Lord, (John Cavendish) or else they

they must wait for another session before their wish could possibly be accomplished.

The House rose at half past four o'clock.

November 24.

Sir *Henry Fletcher* presented a petition from the East-India Company against the bill now depending in Parliament for vesting the effects, &c. of the Company in Commissioners, and setting forth, that the said bill destroys the continuation, and wholly subverts the rights and privileges, granted to the petitioners by charter, made for valuable considerations, and confirmed by divers acts of Parliament; and that the said bill operates as a total confiscation of the property of the petitioners, by empowering certain Commissioners, to be therein named, to seize and take possession of all the lands, tenements, houses, warehouses, and other buildings, books, records, charters, letters, and other papers, ships, vessels, goods, wares, merchandizes, money, securities for money, and other effects, belonging to the petitioners, and to order and dispose thereof at their will and pleasure; and this without charging the petitioners with any specific delinquency, or stating any just ground by which the petitioners rights and privileges ought to be forfeited, or their property to be seized; a proceeding contrary to the most sacred privilege of British subjects, that of being tried and convicted, upon a specific charge, before judgment is passed against them, in any case whatsoever; and therefore praying, that the acts of delinquency which can be alledged against the petitioners, or other just ground (if any) for subverting the petitioners' constitution, and divesting them of their rights and privileges, and seizing their property, by a measure so alarming, and in a manner so extraordinary, may be stated in writing, and that the petitioners may be allowed a reasonable time to answer the same, and make their defence thereon; and that the petitioners may be heard, by themselves or their Counsel, against the said bill.

An order was made that the petition do lie upon the table. This motion being read, and permitted to be presented, the honourable Baronet made a second motion in consequence of the first, which was, "that the petitioners might be heard by their Counsel at the bar in support of their charters, immunities, properties, &c." This motion was also agreed to.

Sir

Sir Thomas
Davenport.

Sir *Thomas Davenport* said, he had come down to the House with an intention to move that the record of the conviction of Mr. Atkinson be read, and to follow up that motion with another of a very serious nature, for no less than the expulsion of that gentleman : but since he came into the House, some friends of Mr. Atkinson had applied to him, and requested that he would postpone his motion for some time, that Mr. Atkinson might have an opportunity, before so severe and disgraceful a punishment as expulsion be inflicted on him, to make application to the Court of King's Bench for an arrest of judgment. He was desirous to comply, in some degree, with the request of these gentlemen ; but still he was not convinced, or satisfied, that Mr. Atkinson seriously intended to make application to the Court, or he would have availed himself of the liberty he was at to move for a new trial, within the first four days of this term : having let the opportunity pass, it did not look as if he meant to apply at all. For his own part, he was no volunteer in this business ; the Attorney General having vacated his seat, it fell naturally upon him (Sir Thomas) as second Counsel in the prosecution, to move for the expulsion ; he wished not to be thought precipitate, and therefore he was willing to allow a delay of ten days ; but he would not consent to what Mr. Atkinson's friends required, a delay till the first day of next term ; nor would he consent to any delay, if they should object to that which he was willing to propose. He then moved, that the record of conviction be read a second time on Thursday se'nnight, and that Christopher Atkinson, Esq. do on that day attend in his place.

Mr. Adam.

Mr. *Adam* said, that without any private view whatever, or any motive of friendship to Mr. Atkinson, but merely in compassion to an unhappy family, he wished that time might be given to him till next term, to appear in Court, and urge his reasons against the judgment that had been given against him. He understood that the cause of his absconding, was merely to wait the issue of a bill filed in the Exchequer, and from which he hoped to make his innocence appear. In candour, therefore, he hoped that the learned Serjeant would not refute the time which Mr. Atkinson's friends had called for.

Mr. Wilkes.

Mr. *Wilkes* observed, that as judgment had not been entered up, the record before the House was incomplete ; and the House should take care not to commit itself in a matter which might terminate so as to expose it to ridicule ;
for,

for if Mr. Atkinson should be able hereafter to prove his innocence, and set aside the record, the House, if it should have expelled Mr. Atkinson, would then have punished a man for a delinquency which had never existed. He instanced the case of an Attorney, who had been an officer of the Court of King's Bench, and who was convicted of perjury. The man absconded; but during his absence he caused the principal witness, upon whose evidence he had been convicted, to be indicted for perjury, and the man was found guilty. Upon this the Attorney returned home; but could not do away the record, because the time for moving for a new trial was elapsed: the Court, however, satisfied of his innocence, notwithstanding the record of his guilt, restored him to his office of Attorney, to his place in the Court, and publicly declared his innocence. Mr. Wilkes concluded by moving an amendment, that the words "Thursday se'night" be left out, and the words "the 24th day of January next" be inserted in their stead.

Mr. Johnes seconded the motion.

Mr. *Arden* did not object to a delay; but he thought the grounds upon which it was called for were far from solid. Mr. *Arden*. Gentlemen said the record was imperfect, because judgment had not been given; but this would be as good a reason for delaying the proceeding for years: for as judgment would be given only when Mr. Atkinson should appear, so it would constantly be in his power to keep the record imperfect: this argument, therefore, weighed but little with him; and though he would not refuse a reasonable delay, yet he expected that the House would be satisfied, that when a delay was called for, it was not for the mere purpose of suspending for a time the proceedings of the House, but with a real view to gain time to make a serious application to the Court of King's Bench.

Mr. *B. Gascoyne* declared, that so far was he from desiring or looking for delay, for any other purpose than to gain time for Mr. Atkinson to make a serious application to the Court, that any security, to any amount, should be given for the appearance of that gentleman on the first day of the next term, if the learned Serjeant would be pleased to wait so long. As to the merits of Mr. Atkinson's case, he would say this, that a bill having been filed against him in the Court of Exchequer, for the recovery of the money of which he is supposed to have defrauded government, he had filed an answer, which he understood was a very strong, and a very

satisfactory one, and destroyed the idea of a fraud on his part; no exceptions had been taken to the answer; so that the matter was now in a fair way to be brought to an issue; and by that issue the innocence of Mr. Atkinson would appear, or his guilt be confirmed. It was agreed at the time of the trial, that in his case, if there was no fraud intended by him, there was no perjury; and consequently if it should turn out that the Court should see that no fraud was intended, the House would surely be sorry to have, by a precipitate resolution, punished a man really not guilty of a crime. He said, that in looking for a delay till next term, he was warranted by a precedent, as Mr. Ward, of Hackney, had been expelled from that House the third term after his conviction.

Mr. Eden.

Mr. *Eden* said, he did not rise to speak to the merits or demerits of Mr. Atkinson's case, but to set the honourable member right in the case he had just stated, which he was the better able to do, as he was that moment reading the account of it in the journals. He then read aloud the words, "that ——— Ward, Esq. having been convicted of perjury this term, (Easter) resolved that he be expelled the House."

Sir Thos.
Davenport.

Sir *Thomas Davenport* would not consent to a longer delay than that which was specified in his motion. Gentlemen had said the record was incomplete; he wished to hear them say where it was incomplete. It certainly was not because sentence had not been as yet passed; that was no ways material or necessary to support the validity of the record. The Exchequer bill had been mentioned, but that had been filed merely for the purpose of recovering the sums of money of which government had been defrauded. If by Thursday se'nnight a sufficient reason was alledged, which to him and to the other learned Counsel with whom he acted, should appear satisfactory, he would not object to a farther delay; but for the present he would not consent to any beyond Thursday next. If the measure that he should propose should appear harsh, he would say that public justice called for it, and the honour of that House called for the speedy expulsion of a person who had been convicted of perjury, committed for the purpose of covering a fraud.

Mr. Eyre.

Mr. *Eyre* said, that if he was not misinformed, it was still in the discretion of the Court, notwithstanding the lapse of the four first days of this term, to grant Mr. Atkinson a new trial;

trial; and therefore while it was possible that a new trial should take place, and that the record of conviction might be entirely done away, he hoped that the learned Serjeant would not press the business with such precipitation. He had seen printed cases handed about; and he must needs say, that if they contained the truth, Mr. Atkinson's situation was very hard indeed, and the grounds of his defence very strong. As to the delay of ten days, he thought it too short; for, as Mr. Atkinson was out of the kingdom, he could scarcely, in that space, be apprised of the proceedings of this day, and be in London before the expiration of the ten days.

The question was then put, when Mr. Wilkes's amendment was negatived, and the original motion carried without a division.

November 25.

The House proceeded to ballot for a Select Committee, to enquire into the illicit trade carried on in this kingdom. The clerk called over the names of all the members of the House, beginning with those of the county of Bedford, and so on alphabetically to the end; such as were present walked up to the table, when they heard their names called, and each put in a glass a slip of paper, containing the names of 15 members; a Committee was then appointed to make up the numbers on the ballot, and report the names of 15 members, who should be found to have the majority.

Sir *Henry Fletcher* then presented a petition from the Directors of the East-India Company, praying that they might be heard by their Counsel, against a bill depending in the House, for regulating the affairs of the East-India Company. The petition was brought up and read, setting forth, "That the petitioners respectively have been duly elected and admitted to the office of Directors of the said United Company, pursuant to, and under the authority of the charter of the said United Company, and divers acts of Parliament, and particularly under the authority of an act, made in the 13th year of the reign of his present Majesty, intituled, 'An act for establishing certain regulations for the better management of the affairs of the East-India Company, as well in India as in Europe,' by which said act the petitioners, as Directors of the said Company, are entitled to hold their respective offices for the term of four years from the

Sir Henry
Fletcher.

the time of their election, and cannot legally be removed from the same without some breach of duty or misconduct in their said offices; and that the petitioners are informed, that a bill is depending in the House, for vesting the affairs of the East-India Company in the hands of certain Commissioners, for the benefit of the proprietors and the public, whereby it is proposed to remove and displace the petitioners from their said offices of Directors of the said Company, and to deprive them of their franchises and rights, although the petitioners are not thereby charged with any specific offence, whereby the same ought to be, or can be, forfeited; and that the petitioners cannot but feel the injury intended to be done to them by the said bill, in depriving them of their rights and franchises without just cause; nevertheless they would forbear to address the House, if more important considerations were not involved in the measure; but the petitioners owe it as a duty to themselves, superior to any consideration affecting their legal rights, to endeavour to avert that injury which they must receive in their characters and good names, by their removal in the manner as proposed to be done by the said bill; and that their duty to their constituents also requires them to represent to the House, that, since the 18th of November instant, a general alarm and apprehension of the desperate state of the Company's affairs hath gone forth to the public at large, and the credit of the Company, already affected by the necessary expenditure of the late war, and unavoidable participation of the common calamities which have fallen upon the whole of the British empire, hath thereby received a most severe shock; and therefore praying, that if they are suspected by the House of having been guilty of any acts of a criminal nature, that the same may be specifically stated, a reasonable time given to make their defence, and that they may be heard, by themselves or their Council, against the said bill; but, above all, the petitioners intreat, from the justice of the House that a public examination may be immediately made, in such manner as to the House shall seem fit, into the true state of the Company's circumstances, when the petitioners hope to prove the situation of the Company's affairs to be such, that, with a moderate and temporary relief from the wisdom of Parliament, their credit cannot fail to be firmly established, and the public faith preserved." He moved, as soon as the petition had been read, that it lie on the table, until the bill to which it referred should be read
a second

a second time, and that they should be heard by their Counsel against it.

Mr. Fox said, he did not rise to oppose the motion; but as the petition mentioned the state of their finances, as if it had been misrepresented, he thought it necessary to say, that if, when, on a former day, he stated the East-India Company to owe eight millions, he must have been greatly misconceived, if any one understood him to mean by this, that the Company was bankrupt for 8,000,000*l.* or that it owed 8,000,000*l.* more than it had effects to pay with.

The right hon. *William Pitt* said, that he for one, and he believed many others, did understand from the right honourable gentleman, that the Company was bankrupt for eight millions, that is to say, that it owed eight millions more than it had effects to pay with; he was glad, however, to hear that fact now publicly, and for the first time, disavowed; and as the bankruptcy of the Company was made the pretence for robbing the proprietors of their chartered rights, he hoped that gentlemen would not easily adopt the most violent and unjust measures, when the very grounds on which these measures had been stated to be necessary, were now publicly disclaimed and disavowed. He had been given to understand that the accounts of the Company's finances, as stated by the right honourable gentleman on a former day, were fallacious; and this was an assertion, which, if he was well informed, the Directors were ready to prove at the bar of the House. He warned gentlemen, therefore, how they gave countenance to a proceeding the most arbitrary, the most violent, and the most contrary to the spirit of all law, of any that had ever been proposed to any assembly. He had heard, from undoubted authority, that the East-India Company asserted, and were ready to prove at the bar, that the right honourable gentleman had made omissions in his statement of their affairs to an enormous amount indeed, and such omissions as were of the most gross and palpable nature. As therefore the distress of the Company, and the disordered state of their affairs, made up the necessity, avowed to be the only plea to justify such a bill as that depending, it behoved that House, in regard to its own dignity and honour, in regard to the legal rights of the proprietors, in regard to the legal rights and public characters of the Court of Directors, and in regard to the justice due to the people at large, to investigate the grounds of the necessity, to enquire minutely into the truth or falshood of
the

Right Hon.
W. Pitt.

the several facts stated to the House as constituting that necessity, and to ascertain to what extent the necessity existed. That there was a necessity for Parliament to interpose, and by some sort of salutary regulation to relieve and support the East-India Company, was on all hands admitted; that there was a necessity for applying so violent a measure as the bill then depending, he very greatly doubted, and the East-India Company confidently denied. That denial they rested on the real state of their affairs, a state far different from that given to the House by the right honourable Secretary, and a state, the validity and verity of which the Court of Directors and the Company, he understood, apprehended they should be able to make appear on the grounds of unanswerable evidence. With regard to the petition that had been just read, he conceived the Court of Directors had, in that petition, called forth the attention of the House to two points, viz. that the bill depending, went to effect a gross violation of their legal rights, and that it implied an impeachment of their characters and their integrity, as Directors of the East-India Company; the petition complained also, that the bill aimed at effecting both those points so injurious to the Court of Directors, without any one specific charge of delinquency on their part, that called for so severe a punishment, having been previously alledged or proved. Before men were proceeded against in so violent a manner, he said they ought to be proved to have merited such vengeance. He wished it, therefore, to be understood, whether it was intended to give the Court of Directors a fair opportunity of defending themselves, and disproving the statement of the affairs of the Company that had been given to that House, before the bill was farther proceeded in, Government ought to say in what manner they meant to act, and whether every paper, and every account that could elucidate the subject, would be permitted to be fully discussed, examined, and ascertained, previous to urging any farther a bill, manifestly tending to overturn the legal rights of the Company, and of the public. He wished to be informed when, and in what manner, the evidence, with respect to the finances of the Company, should be entered into.

Mr. Fox.

Mr. Fox said, that no doubt every species of evidence would be attended to by the House; the second reading of the bill would, in his opinion, be the proper stage for hearing evidence; the Company's Counsel would propose the mode of opening it, and the House would consider of that mode.

mode. After having said this much, he observed, that this was not the time to debate the merits of the measure; but he could not help observing, that if he was inclined to enter into argument with the right honourable gentleman, he had given him a most desirable opportunity; for, before any measure was proposed to the House, the right honourable member, thinking, no doubt, that no plan had as yet been formed, called out for a well-digested system, a system that should embrace every part of the government of India; declaring that no palliative or half measure would cure the evil from which the distresses of the Company had proceeded: but now, that a comprehensive plan was before Parliament, the right honourable gentleman's language was altered, and his mighty system, his anti-palliative, anti-half-measure system was softened down into the more calm and moderate proposition of some salutary regulations.

The right hon. *W. Pitt*, in reply, said, there was a me- Right Hon.
W. Pitt.
dium between half measures and measures of the extremest rigour. It was not necessary for him then to go into an explanation of what he had meant on the first day of the session, when he talked of palliatives, but he would venture to assert, that the man would not be disgraced, who, in applying a remedy to a case of the greatest importance, should prefer a lenient regulation to a regulation like that proposed in the bill of the right honourable gentleman, which was considered by most men as a measure of unparalleled violence and oppression.

Sir *Henry Fletcher* informed the House, that the Court of Sir Henry
Fletcher.
Directors had given orders that an exact account of their finances should be prepared for Parliament, and the clerks at the India House were using every dispatch to obey these orders. There were accounts laid last year before both Houses of Parliament, up to the day on which they were presented; these, as far as they went, would give a very good insight into the affairs of the Company.

Mr. *Burke* said, that the right honourable gentleman who Mr. Burke.
had so roundly and confidently asserted that the accounts given of the finances of the Company were fallacious, ought, when he ventured to make that assertion, to be prepared with documents that would clearly prove the fallacy of the statement made by his honourable friend: the House would hold him pledged to prove what he had with so much confidence advanced. He would warn him, however, to take care, when he should set about to collect his materials, to take

take into his account not only the probable benefits the Company might reap from certain eventual arrivals of ships, but also the probable and eventual debts that might be incurred; and over and above this, he should be able to prove that the Company's affairs would not be in danger of being brought any more into the distress which made the interposition of Parliament necessary on the present occasion: and if he could not prove this last point, it would avail little to prove the first; and his salutary measures would be of no use. Violent measures, and salutary measures, were big words; and they meant nearly the same thing, that is to say — nothing. Mr. Burke considered Mr. Pitt as pledged to prove his right honourable friend's state of the Company's affairs false and fallacious; and said, he might not find it so easy a matter to do that, as to talk of it in the most vehement and offensive language. The threats and menaces he had held out, would not, he assured the honourable gentleman, shake the firmness of a man, though they might operate as bugbears to frighten children. Which was the true, and which was the false state of the account, remained to be proved, and could only be deduced from a fair examination of the papers on the table. He warned the House, however, from the extreme danger of trusting too implicitly to assertions made at the bar, or accounts or papers produced there, because the House had it not in their power to investigate and deliberate upon such evidence, so as to enable themselves to ascertain what degree of credit they deserved.

Mr. T. Pitt. Mr. T. Pitt begged that the House would not suppose his right honourable friend (Mr. W. Pitt) had pledged himself to prove the statement of the right honourable Secretary, on a former occasion, to be fallacious; all he had said was, that he was informed that the East-India Company could prove at the bar the fallacy of the statement. His right honourable friend had, on a former day, called for a well-digested system for the government of India; but it did not follow from this, that he should approve of a system that appeared to him big with violence and injustice; that he should countenance others in applying a remedy infinitely worse than the disease; a remedy which would operate by the extinction of the patient. He had said that no palliative, no half measure, would be adequate to the necessity; but it was by no means his intention to say that such a bill as this should be introduced. Before, therefore, it could be expected that a bill,

bill, which had spread such a general alarm, should meet with the concurrence of that House, the necessity on which such a bill was declared to be grounded ought to be established beyond all contradiction.

The motion was put, and carried.

Sir *Henry Fletcher* said, that the House having ordered that there should be laid before them a copy of the minutes of the proceedings of the Court of Proprietors, on the subject of the motion for thanks to Mr. Hastings, the order had been obeyed; but he had since discovered that an error had by accident crept into it—It was this; a paper which had been read by him (Sir H. Fletcher) as part of his speech in the Court, was in the minutes erroneously stated to have been an official paper, which it was not. He therefore begged leave to withdraw the minutes that he had already presented to the House, and to present a correct copy which he held then in his hand, in which this mistake was rectified. The House gave him leave, without any difficulty.

Lord *John Cavendish* gave notice, that he would the next day bring in his bill for explaining the Receipt-tax act: and he gave this notice, because he understood some gentlemen intended to propose the repeal of the tax itself; and he was desirous that they might not be taken unawares, as the order of the House would not suffer a bill to pass this session to repeal the tax, if the bill that he should bring in to-morrow should be passed into a law.

Mr. Alderman *Newnham* said, that if it was not the opinion of the House, that the tax should be repealed, he certainly would not oppose the noble Lord's bill; because if the tax was to subsist at all, he wished it might be productive. He would therefore take an opportunity, before the second reading of the noble Lord's bill, to collect the sense of the House with respect to the tax, by moving for the repeal of it.

November 26.

Mr. *Fitzwilliam* reported from the Committee, who were appointed to examine the lists of fifteen persons' names to be the Committee appointed to enquire into the illicit practices now used in defrauding the revenue of this kingdom, and the most effectual methods of preventing the same, and to report to the House upon which fifteen persons the majority fell; that the Committee had examined the lists accordingly, and found that the majority had fallen upon the following persons,

persons; viz. Henry Beaufoy, Esq. George Daubeny, Esq. Mr. Alderman Newnham, William Baker, Esq. George Dempster, Esq. the right honourable William Eden, Winchcombe Henry Hartley, Esq. William Holford, Esq. Richard Jackson, Esq. Hans Sloane, Esq. Charles Brett, Esq. Abraham Rawlinson, Esq. Henry Thornton, Esq. the right Honourable Lord Sheffield, and Sir Thomas Dundas, Bart. and he read the report in his place, and afterwards delivered it in at the table, where the same was read.

Mr. Fox.

Mr. Secretary Fox brought in his second bill relative to India; it was entitled, "A bill for the better government of the territorial acquisitions and dependencies in India." The Speaker read the breviat of it from the Chair; the reading took up some considerable time, as the clauses were very numerous. When the Speaker sat down,

Sir Edward
Aftley,

Sir Edward Aftley rose; he said he did not mean to oppose the bill then; but he still thought that gentlemen ought to proceed with caution in a measure, by which so much influence would be thrown into the hands of the Crown. A bill of infinitely less moment, which gave infinitely less influence, had been opposed by some of the first and best men in this country, because it tended to encrease, though in a small degree, the influence of the Crown and its Ministers; if therefore a measure should be adopted that would put Ministers into possession of an extent of patronage, immense in every sense of the word, and that might in its consequences threaten the liberties and constitution of this country, gentlemen might then find it necessary to come again to vote, "that the influence of the Crown has encreased, is encreasing, and ought to be diminished." He was ready to allow, that from the present state of the Company's affairs, some regulations were necessary; nay perhaps more so, since the late news had arrived. He was ready also to allow, that a company of merchants were not qualified to govern great territorial possessions; but still he had a right to be on his guard, lest the measures proposed to remedy the evil complained of should prove ruinous to the liberty of this country.

Mr. Fox.

Mr. Secretary Fox observed, that the honourable Baronet's remarks were pointed, not against the bill then immediately under the consideration of the House, but against the other which he had the honour to present a few days ago; and when that bill should become the subject of debate, he would endeavour to defend it against the different objections that should be urged against it. With respect to the influence that

that it would give to the Crown, it would be the duty of its opposers to show that it was unnecessarily proposed, and that influence was the object, and not an adventitious circumstance in the bill. This sort of opposition was fair and parliamentary, and he hoped it would be followed. He hoped, that no gentleman would object to the bill singly, or consider it in a single point of view; but that, while it was stated that the bill tended to encrease the influence of the Crown, the necessity of adopting some measure respecting the future government of India would be taken into consideration, and then the question with respect to the influence of the Crown would stand on its true grounds, and the only point in doubt would be, whether the bill, that was to be read a second time the next day, encreased the influence of the Crown in a manner that was unnecessary. He was glad, however, to hear the honourable Baronet say that he felt the necessity of making some regulations, and that a company of merchants were not fit to govern a vast tract of territorial possessions. As to the bill immediately before the House, its principle was clearly unobjectionable on the score of influence; for so far from giving any influence, this bill was particularly to guard against it; he presumed, therefore, that there would be no opposition to the sending of the bill to the Committee, for whatever objection could arise, it must, in his opinion, be to the provisions, and not to the bill itself; he was not so vain as to suppose that he could frame a bill that embraced so many objects, and contained so great a number of regulations, which should not be liable in many places to objections; it would be for the wisdom of the Committee to make such alterations in the clauses as they should judge necessary.

Sir *Edward Ashley* begged pardon of the House for having confounded the two different bills; it certainly was to the bill, which was not then before the House, that he had risen to speak. Sir Edward Ashley.

Mr. *W. Pitt* said, that it was not possible for him to form a just judgment of a bill of such a length, from the cursory manner in which it had been read; but as far as he could judge, he was free to say that the principle of it did not strike him, as being at all a-kin to that of the other bill which was brought in last week by the right honourable Secretary; and at present he saw no objection to its going to a Committee. However it could not be expected, that he should pledge himself to support it, or any part of it, until he should have read and well considered the whole of the bill. Mr. W. Pitt.

Mr. Arden. Mr. *Arden* observed, that the bill mentioned in various places, the Commissioners to whom the Company's affairs should be intrusted; this shewed that it depended upon another bill, and would therefore be nugatory and absurd if that bill should not pass; and it was not a matter so certain as the right honourable gentleman seemed to suppose, that the bill would pass.

Mr. Fox. Mr. Secretary *Fox* in answer to this observation said, that let the fate of the other bill be what it might, this bill would not, in his opinion be nugatory and absurd; the necessity of regulations was admitted on all hands; and let who might be entrusted with the management of the Company's affairs, these regulations would be necessary; he therefore wished the bill might be gone through as speedily as possible; nay, that it might be passed even before the other bill; and therefore care might be taken in the Committee to insert a clause, which should declare, that let the government of the Company be in whom it might, whether Directors or Commissioners, the powers given by this bill should rest in them. With such a clause as this, the bill would not be dependent upon any other; and would be complete, though the other should be lost. (Mr. Pitt nodded approbation) He owned for his part he wished it to proceed with as much dispatch as possible; but as he was not vain enough to think, that any bill he could fabricate would be perfect, or that a bill containing so large a number of various regulations, would not call for much discussion, and even some alteration, he certainly would give due time for gentlemen to consider the subject. An order was then made, that the bill be printed, and read a second time on Tuesday next.

Lord John Cavendish. Lord *John Cavendish* brought up his bill for explaining the Receipt-tax act, and for indemnifying such as might have incurred penalties under it. It was immediately read by the Speaker.

Ld. Mahon. Lord *Mahon* said, he would have no objection to the bill, if in the indemnifying clause the noble Lord would consent to admit words which, after saying, that "whereas doubts have arisen," &c. should declare that in fact no penalties had been incurred under the former act. [His Lordship was answered in a low voice across the House, that this might be fit matter for the consideration of the Committee, when the bill should be before it.]

Mr. Arden. Mr. *Arden* wishing to vindicate himself against misrepresentation, and defend the professional opinion he had formerly

merly given on the subject, went into a long detail of quotations from all the stamp acts down from William and Mary to the present day. He said, that in the manner the present bill was worded, it would leave the doubts it was brought in to explain, precisely in the same situation. He repeated, what he had said on a former occasion, viz. that if the tax upon receipts was to stand, it was every way proper that a bill to make it productive and effectual should be passed. Mr. Arden adverted also to what had on that day passed relative to the sweeping clause, at the end of the bill, and declared, he had not then said he gave an opinion without having read the whole of the bill, but he had asserted at that time, what he would assert as a lawyer again and again, that as the clause was worded, it did not call for his consideration in the forming an opinion upon the case that had been stated to him. Mr. Arden after this, observed upon the impropriety of inserting general clauses, which, without once mentioning the word penalty, were meant to have reference to the penal clauses of former acts. He stated minutely to the House, the particular sort of penal clause used, and urged the necessity of inserting a specific penal clause in each stamp act, designed to operate as a penal statute.

Lord *John Cavendish* replied, that what the learned gentleman had said might be true; he was certainly a much better judge in professional matters than he was; he would therefore hope for his assistance in the Committee to word the bill, so that it should meet the object for which it had been brought in. Perhaps the obscurity might arise from this circumstance, that there were too few words in the bill; this was probably the case, as the learned gentleman contended that though a clause in the act now in force said that all matters and things contained in former acts relative to stamps, should be adopted in that, still no penalty could be incurred under this clause, as the word Penalty was not expressed in it, or the import of the word conveyed under the general terms, all Matters and Things. If the bill was faulty in not having a sufficient number of words, this was somewhat extraordinary, as it came from the hands of gentlemen of the learned profession, who in general are not accused of being oversparing of words.

Lord John
Cavendish.

Sir *Cecil Wray* objected to the present bill, because he thought it tended entirely to change the nature of the operation of the tax, as stated last year, inasmuch as it was then declared, that the person who held the receipt in his possession,

Sir Cecil
Wray.

possession, was to pay the stamp duty; whereas now, by inflicting a penalty upon the receipt writer; if he wrote upon unstamped paper, it threw the *onus* upon him. Sir Cecil said, he considered the bill to have been brought in rather as a bill of indemnity, than a bill to explain and alter the operation of the tax, and therefore he should oppose that part of the bill which was calculated to produce such an effect.

Mr. Coke. Mr. *Coke* said, that the tax itself was greatly disliked in the trading town that he had the honour to represent (Nottingham) where there was not a single shopkeeper who did not execrate it. He was aware that no man ought to move for the repeal of a tax, who was not prepared with another to replace it; for his part, he was prepared with one or two taxes, which he was sure would be found productive, without being burdensome; and he was ready to communicate them to the noble Lord, if he would honour him with a conference on the subject. Mr. *Coke* farther said, he objected to the bill that had been brought in that day, for the very same reason as that urged by the honourable Baronet opposite to him (Sir Cecil Wray) viz. because it tended to change the operation of the receipt tax, as it had been originally declared by Government to be intended, and threw the expence of the stamp on the receipt giver, and not the receipt holder.

Lord John Cavendish.

Lord *John Cavendish* in reply to this said, he meant the new bill to have a very different effect, and to strengthen and coerce the operation of the tax, as it was originally intended. The person who was to hold the receipt was by this bill obliged to furnish the stamp, and if he called upon a person to sign a receipt unstamped, that person was enabled to refuse, and make this strong reply: "You cannot expect me to sign my name in such a manner as will render me liable to a penalty of five pounds." An order was made for the second reading of the bill on Wednesday next.

General *Smith* moved for a copy of the treaty concluded by Madajee Sciadia, between the Governor General and Council of Bengal, and the Mahrattas. The paper was ordered; and the House adjourned at five o'clock.

November 27.

Mr. *Fox* moved for copies of various applications from the Directors of the East-India Company to the Lords of the Treasury, relative to the state of the finances.

Lord

Lord *Mahon* said, that either the papers moved for were *Ld. Mahon.* necessary, or they were not; if they were not, he could not conceive why they were moved for; and if they were, the right honourable Secretary was highly culpable for not having moved for them at an earlier day, that the House might have had time to consider of them.

Mr. *Fox* said, he did not think the papers he moved for, *Mr. Fox.* absolutely necessary; but still they would be found useful: for though the East-India Company had laid before the House an admirable paper, containing the state of their finances, he hoped to be able to state some very strong exceptions to various sums mentioned in it, to the amount of no less than 12,000,000*l.* sterling.

Lord *Mahon* desired gentlemen would understand that the *Ld. Mahon.* right honourable Secretary stood pledged to prove errors in the account laid before the House, to the amount of twelve millions.

Mr. *Fox* said, he had pledged himself to no such thing; *Mr. Fox.* but he stood pledged to state exceptions to the Company's statement, as well to sums admitted in their credits, as omitted in the debt of their account, to the amount of twelve millions. He would not say, that the exceptions he should state would carry conviction to the mind of every gentleman; but he would declare freely, that they were convincing to him.

The motion was carried; and the papers, which had been prepared before hand, were immediately laid upon the table by Mr. *Sheridan.*

Lord *North* said he had a motion to make, which he was *Ld. North* sure would not take up any time, or he would not propose it on a day, when other business of the greatest magnitude was to come on. The motion he intended to make, might be considered as mere matter of course; for when the Parliament had repealed the 6th of Geo. I. and on the consequent recognition of the independence of the Legislature of Ireland, gentlemen might naturally foresee, that some farther regulations would necessarily flow from that event. The Post Office of Ireland, which had hitherto been annexed to that of England, must now be entirely separated from it; and a mode must be adopted to settle the postage of letters between the two kingdoms. On this point it was necessary, that in point of revenue, each should receive according to the labour done by each; and as England would have more labour in the transport of letters directed to Ireland, of course the English Post Office

Office would be fairly entitled to the greatest profits : as to the postage to and from the interior parts of each kingdom, the profits would unquestionably belong to the Post Office of each. The only labour that the Post Office of Dublin would have with the letters sent from England would be in the distribution ; and for that trouble, some compensation might be expected. As to the carriage of letters from Ireland to England, some profit might certainly be made, if Ireland should keep packet boats employed for that purpose ; but as it might not appear necessary that both offices should keep packets in their pay, a proper compensation ought to be made to that of Ireland, if it should forego the advantage of having packets of its own. The motion he intended to make was, for leave to bring in a bill on this subject : in that bill, powers would be given to Postmasters General of England, to cede to the Postmaster General of Ireland, the buildings, &c. of the Post Office in Dublin, which are at present vested in the former. As Ireland must, in future, as far as the postage of letters is concerned, be considered as a foreign country, English franks would of course, no longer pass in that kingdom ; and therefore even newspapers could no longer pass free : however as such papers, votes of either House of Parliament, or the like, might not be thought proper objects of taxation in that way, the postage might be rated very low, such as, for instance, a penny for each.—It would be provided in the bill that certain officers in Ireland, in public departments, such as the Lord Lieutenant, Secretary of State, and others, should have a privilege of sending their packets free of postage. These, he said, were nearly all the points which the bill he intended to move for would embrace. His Lordship concluded with a motion for leave to bring in a bill for the better regulating the postage and carriage of letters between Great Britain and Ireland. The motion passed without any debate.

EAST-INDIA BILL.

Mr. Secretary Fox then moved for the second reading of the bill for vesting the effects, &c. of the East-India Company in Commissioners.—The motion was agreed to ; the bill was read, as were also the petitions from the Courts of Proprietors and Directors of the East-India Company—and their Counsel were then called to the bar. Mr. Roys and Mr. Dallas appeared for the Proprietors ; and Mr. Hardinge and Mr. Plomer for the Court of Directors.

Mr. Rous insisted on the injustice, the dishonour, the im-
 policy of violating public faith, and invading private pro-
 perty. The management of the Company's affairs was to
 be torn from themselves, and vested in the hands of a dark
 cabal, under an influence that might be very unfavourable
 to their interests. This was despotism, and despotism was
 by no means favourable to commerce, which required li-
 berty and security. It was said the Company was in a state
 of bankruptcy and ruin, and Parliament interfered to pro-
 tract the evil day that was to consummate the ruin of both
 the Company and the nation. He admitted that a case
 might exist in which the Legislature ought to interfere for
 the preservation of the state, and sacrifice a part to the good
 of the whole ; but was the present such a case ? If the Com-
 pany were bankrupts, if they were in danger, and their
 probable ruin likely to ruin the nation, he would be silent,
 and deplore the hard necessity that demanded their downfall.
 He joined the House upon that fact, and undertook to prove,
 by undoubted evidence, that the affairs of the Company
 were in no other situation than that which the common
 course of events, and the natural order of things would ren-
 der flourishing. The war had occasioned great expences to
 the Company, but peace had been established with the Mah-
 rattas, and such savings would be made as would pay off all
 the arrears. Our successes in the East had redeemed our los-
 ses in the West, and furnished the price of peace. He de-
 scribed the situation of our affairs in India, and concluded,
 that there was no apprehension of danger of any kind, but
 the greatest prospect of peace and prosperity. He placed
 the danger arising from such a precedent as would be estab-
 lished by the bill, if it should pass, in a very clear and strik-
 ing light ; and affirmed, that if such infractions of public
 faith should become familiar, Parliaments might be continued
 by way of form ; but faction, cabal, influence would set
 the laws at defiance, and trample upon all property and jus-
 tice. For what, he asked, was better secured to any man,
 than the property of the Company was secured to them by
 different acts of Parliament, which he pointed out. He
 concluded, as he had begun, with shewing the general im-
 portance of the bill that was now agitated : and that the East-
 India Company, should that bill pass into a law, would
 only be the first victim to faction, and a spirit of tyranny.
 Mr. Rous produced two papers of accounts, the one a State-
 ment

ment of the Company's affairs, shewing the amount of their debts and property ; and the other an Estimate of the Company's receipts and payments, up to March, 1786. And he called Mr. Nicoll, Accomtant, and Mr. Annis, Auditor of Indian accounts, to prove the authenticity of the papers.*

Mr.

* As Mr. Fox stated objections to these accounts, and they became the subject of much debate, we lay them before our readers.

State of the Affairs of the East-India Company in England, on the 19th of November, 1783, and according to the latest Advices from their Settlements abroad.

The capital stock of the Company consists of 2,800,000*l.* paid by the Proprietors into the Company's treasury, being after the rate of 87 and an half per cent. upon the sum of 3,200,000*l.* subscribed, which is the amount of the nominal capital. The Proprietors are liable to a call, at the discretion of the General Court, for the remaining 12 and an half per cent. upon the sum subscribed, amounting to 400,000*l.*

DEBTS DUE BY THE COMPANY.

TO the proprietors of the stock, called East-India Annuities, for the capital thereof, being so much borrowed by the Company to enable them to make the loan to government of 4,200,000*l.* mentioned in the *à contra* of this account. These annuities at present sell at about 55 per cent. at which rate they are worth only 1,645,842*l.* but the sum received for them, and which bears interest at 3 per cent. per annum, is

£.
2,992,440

The Company's bonds circulated in England by authority of parliament, grounded originally on the aforesaid loan to government. The sum permitted to be so circulated, has from time to time been varied by parliament : at present, the amount stands limited to two millions. The principal of each bond may be demanded on six months notice, and by the custom of the Company, the bonds on which six months interest are due, are received as cash in payment, for goods bought at the Company's sales. The sum at present in circulation, is

1,716,125

Besides bonds paid in for goods bought, which are stated as part of the cash on the other side of this account

280,575

To old bonds called in, but which have not been presented for payment, and on which interest has ceased

11,592

To government, for customs postponed by authority of parliament

924,862

To ditto, for customs due and to grow due upon all the goods in hand unfold; in diminution of which, the sum of 186,584*l.* 9*s.* 3*d.* of debentures reckoned as cash in the *à contra*, will upon a settlement be charged

726,392
To

Mr. *Dallas*, after an apology for appearing in the character of a pleader before so august an assembly, by the importance,

To ditto, for the last payment of the sum of 400,000 <i>l.</i> agreed to be paid for renewal of the charter	100,000
To ditto, for Exchequer bills lent to the Company by authority of parliament, which will become payable in April, 1786, and interest thereon	302,587
To accepted bills of exchange and certificates, falling due as follows, viz.	
Past due, but not presented for payment	36,280
Due before the 1st of March, 1784	85,892
Due between the 1st March, 1784, and 1st March, 1785	552,700
Due between 1st March, 1785, and 1st March, 1786	205,598
Due after March, 1786	94,624
Two bonds payable on attested copies	15,704
To bills of exchange and certificates not excepted, falling due as follows:	
Before the 1st March, 1784	32,646
Between 1st March, 1784, and 1st March, 1785	641,322
Between 1st March, 1785, and 1st March, 1786	775,869
After the 1st March, 1786	48,463
N. B. Of this sum no more than about 588,000 <i>l.</i> can be accepted without permission from the Lords of his Majesty's Treasury.	
To sundry persons for freight and other demands, in the ordinary course of the Company's affairs	458,481
To sundry persons for dividends and interest due, but not yet demanded	149,901
To half a year's dividend on the capital stock voted by the General Court, and payable next Christmas	128,000
To the amount of the interest on the military and contingent funds established by Lord Clive. At present the Company is only liable to pay to the objects thereof, the interest of this fund; but if ever the Company shall no longer have a fleet or army in India, the principal will then become payable to the heirs of Lord Clive	72,639
Balance in favour of the Company, besides the articles hereunder specified, upon which no valuation is put in the preceding accounts, viz.	3,968,481
The dead stock in India, consisting of fortifications, warehouses, and other buildings, &c. The articles falling under this description were valued by Lord Godolphin's award, in the year 1702, at 400,000 <i>l.</i> but they have now cost the Company nearly seven millions sterling.	
The Company's landed property in India, exclusive of the territorial revenues, produces an annual income of about	£. 881,000
The territorial revenues upon the coast of Chormandel, and the Northern Circars, upon which	

tance, and by the extreme clearness and evident justice of his cause — allowed, that if indeed there was a necessity for the

the public has no claim, amount (subject to the charges of management) to about, per annum	£. 350,000
The territorial revenues in Bengal, Bahar, and Orixa, amount (subject to the charges of management) to about, per annum	1,838,000
The subsidy paid by the Nabob of Oude, and the tribute from Benares, amount to a farther clear income of about, per annum,	962,000
The revenue arising from salt in Bengal, amounts to about, per annum,	450,000
The revenue of customs in India, amounts to about, per annum,	236,367
The subsidy paid by the Rajah of Tanjore, amounts to about, per annum,	160,000
The subsidy paid by the Nabob of Arcot, amounts to about, per annum,	200,000
Total of annual income	5,077,367
	<hr/> 14,311,173 <hr/>

PROPERTY OF THE COMPANY.

The debt from government, for money lent by the Company, at 3 per cent. per annum interest	£. 4,300,000
Due to the Company from government for the following articles, the allowance of which is disputed :	
For subsistence of prisoners, &c. in the former war	260,687
Expences on the expedition to Manilla	139,877
Hospital expences	21,447
Cash, consisting of the following articles, viz.	
In money	142,794
In the Company's bonds paid in at the sales, as mentioned above, which the Company will again issue	280,575
In debentures and custom notes, which will on settlement discharge so much of the sum charged above, as payable for customs	186,585
Due for goods sold, but not delivered or paid for	553,258
Value of goods in warehouse unsold, of which all the freights and duties are paid or charged in the first part of this account, estimated to produce, clear of discount	2,500,000
Merchandise exported to India, but not included in the accounts of property there, not being arrived when the same were made up	1,219,091
Silver remaining in the Treasury for exportation	1090
	Advanced

the interposition of Parliament in the Company's affairs, it was their duty to interpose; but no such necessity existed.
No

Advanced on account of freight to the owners of ships now abroad, which will be deducted from the freight payable to them when they arrive,

Value of ships and vessels employed in England	172,334
Value of the Company's houses and buildings in London, estimated by surveyors, at the sum they would sell for,	12,300
The prime cost of four cargoes on their passage from Bengal	253,616
Ditto, of cargoes dispatched from Bengal to other presidencies, which are not reckoned as part of the stock at those presidencies, not being arrived when the accounts thereof were made up,	703,824
The accounts of the debts, credits, and effects of the Company at the several presidencies in India, are unavoidably mixed with the provision made for the homeward-bound cargoes of all ships not laden at the time of making up such accounts; add together with the cargoes arriving from Europe, the balances of those accounts constitute the fund for providing those homeward bound cargoes. These accounts have always been kept separate from those of fortifications and other dead stock, and have been stated under the head of Balance of the Quick Stock. According to the latest advices the balances of these accounts of quick stock are as follow:	364,515

Quick stock at Bengal, on the 28th of February, 1783; valuing the rupee at 2s. 3d. sterling:

In treasure and bills receivable	£. 777,361
Goods for Europe after the dispatch of the four cargoes herein before mentioned	922,805
Goods imported, remaining unfold	78,194
Salt paid for, and remaining unfold	119,891
Stores, civil, marine, and military, unexpended	680,509
Advanced to the Board of Trade and others, for future provision of goods for Europe, and debts due in the ordinary course of business	837,465
Debt due by the Nabob Asoph ul Dowla	789,828
	<u>4,296,053</u>

D E D U C T

Debts due by the Company in Bengal, on bond and otherwise	<u>2,367,116</u>
Balance in favour of the Company	<u>1,838,937</u>

N. B. The arrears due to the army in Bengal at this period, do not appear; but by a subsequent minute it appears, that the whole of their pay, and arrears of every kind, to the month of March, 1783, would amount to about 502,174l.

There

No necessity that did not exist three years ago, when the Company, in consideration of advancing a sum to Government,

There is also a sum of 129,456l. arising from Lord Clive's military fund, for which the Company at present pays only the interest; but if ever they shall no longer have an army or navy in India, the principal will become payable to the heirs of Lord Clive in India.

A debt of 130,500l. from the Berar government to the Company, and a disputed claim of the Company, of 601,861l. for interest on arrears of salt duties, are left out of this account.

The quick stock at Madras, on the 31st August, 1782, (since when there are no advices on this subject) stood as follows; valuing the pagoda at 8s. sterling:

Cash and bills receivable	—	—	£. 280,400
Goods provided for Europe	—	—	68,694
Goods imported, remaining unsold	—	—	89,140
Stores, civil, marine, and military, unexpended	—	—	264,110
Debts due to the Company as follow:			
From the Nabob of Arcot	—	—	968,012
From the Rajah of Tanjore	—	—	158,250
From the renters of sundry districts	—	—	993,804
Advanced for investment and sundry small debts	—	—	76,832

N. B. The war in the Carnatic will delay the payment of some of these debts, and must have rendered many others of them precarious, so that their exact value cannot be ascertained; but the above sums are undoubtedly due to the Company.

2,899,242

D E D U C T

Debts due by the Company at Madras, at the above period, by bond or otherwise, including all arrears to the military

821,164

Balance in favour of the Company

2,078,078

The quick stock at Bencoolen, consisting of the difference between cash and effects, and the debts owing there by the Company, amounted, in like manner, on the 19th March, 1783, to a balance in favour of the Company of

£. 189,036

The quick stock at St. Helena, on the 30th September, 1782, amounted in like manner to

£. 27,618

The quick stock in China, by an account dated 18th December, 1782, as explained by a letter dated 17th February, 1783, amounted after the dispatch of the ships of that season, which are arrived, and over and above all the debts of the Company in China, to

£. 132,596

ment, received a renewal of their charter. He pressed on the honourable members of the House the iniquity of invading

The quick stock at Bombay, on the 15th September, 1782, valuing the rupee at 2s. 6d. sterling, stood as follows:

Cash and bills receivable	_____	_____	24,663
Goods provided for Europe	_____	_____	95,145
Goods imported, remaining unfold	_____	_____	42,951
Stores, civil, marine, and military, not expended	_____	_____	148,003
Quick stock at subordinates, not specified	_____	_____	20,075
Debts to the Company	_____	£. 891,069	
Deduct the unsecured part of a debt from Ragobah	_____	398,879	
		_____	492,190
Value of effects	_____	_____	823,027

The amount of debt at Bombay of all denominations (besides the arrears due to the military, which are not specified) amounted at the above period to _____ £. 1,790,112
Deduct the value of effects as above _____ 823,027

Balance against the Company _____ 967,085

Recapitulation of the balances of quick stock:

In favour of the Company at Bengal	_____	1,838,937
Madras	_____	2,078,078
China	_____	132,596
Bencoolen	_____	189,036
St. Helena	_____	27,618
		4,266,265
Against the Company at Bombay	_____	967,085

£.
3,299,180

SAMUEL NICOLL, Accountant.

JOHN ANNIS, Auditor of Indian accounts.

14,311,173

Abstract of the foregoing Estimate.

D E B T O R.

£.

To what owing from the Company to the annuitants	_____	2,992,440
To bonds bearing interest	_____	1,996,700
To ditto, not bearing interest	_____	11,592
To customs on goods sold and unfold	_____	1,641,254
To the Exchequer for the last payment to government	_____	100,000
To ditto, for a loan of Exchequer bills and interest	_____	302,587
		To

vading private property, and breaking the faith of Parliament. It was only when the very existence of a state was threatened,

	£.
To bills of exchange, &c. unpaid	2,489,098
To sundry debts on account of the trade	458,481
To interest on annuities, bonds and stock	149,901
To half a year's dividend on stock due at Christmas next	128,000
To interest on military and contingent funds more than applied	72,639
	<hr/>
	10,342,692
Balance in favour of the Company	3,968,481
	<hr/>
	14,311,173

C R E D I T O R.

	£.
By what due from government to the Company for money advanced them	4,200,000
By other debts due from government	422,011
By cash and bonds	609,954
By goods sold, not paid for	553,258
By the value of goods in England, unfold	2,500,000
By floating stock from England	1,219,091
By silver in the Treasury, in England, paid for	1,090
By what paid owners of ships not arrived in England	172,334
By the value of ships and vessels not stationed abroad	12,300
By the value of the East-India house and warehouses	253,616
By the nett balance of quick stocks, at the several settlements, after deducting all debts owing by the Company in India and China	4,367,519
	<hr/>
	14,311,173

An Estimate of the Company's Receipts and Payments, between the 19th November, 1783, and the 1st March, 1784, grounded upon the authentic Account published of the State of the Company's Affairs. In this Estimate, it is supposed on the one Hand, that the first Year's unaccepted Bills are to be paid as they fall due; and, on the other, that Government will continue to suspend the Demand for Customs, which now stand suspended; and also the Payment of the remaining 100,000l, unpaid for Renewal of the Charter, and that the Bonds can be kept in Circulation.

	To pay.
T HE old bonds long since called in, but not presented for payment, if they should within this period be demanded	£. 11,592
The dividends and interest past due, but not demanded, if they should within this period be demanded	149,901
The bills of exchange past due and not presented for payment, if the same should within this period be demanded	36,280
	Bills

threatened, that such violations could be justified. But he endeavoured to shew that the great plea of bankruptcy was without

Bills accepted	_____	_____	85,892
Bills not accepted	_____	_____	32,646
Dividend to Proprietors	_____	_____	128,000
The demands for freight, goods bought, and every other current demand, supposing the whole to be demanded within this period			458,482
Arrears of the military and contingent fund, supposing the whole to be demanded within this period	_____	_____	4,050
			<u>906,842</u>
Balance that will remain in cash the 1st March, 1784	_____		1,075,112
			<u>1,981,954</u>

N. B. As the customs to grow due within this period will not amount to any thing near the amount of debentures in hand applicable to the payment thereof, no notice is taken of either within this period.

	In cash, and to be received.	£.
Money in the Treasury	_____	141,794
Bonds in the Treasury to be issued	_____	280,575
Goods sold, all conditioned to be paid within this period, except as below	_____	553,258
Goods in warehouse; to be farther sold at the present sale, under the same conditions as to time of payment, estimated at	_____	£. 1,058,327
Deduct pepper and china-ware, that will not be paid for till after 1st March	_____	53,000
	_____	1,005,327
		<u>1,981,954</u>

Estimate of Cash for one Year, between the 1st March, 1784, and 1st March, 1785.

	To pay.	£.
TOTAL of the unposponed customs due for goods arrived	_____	716,392
Bills accepted	_____	552,700
Ditto not accepted	_____	641,322
Bills and certificates that may be farther drawn, estimated at	_____	335,000
Difference between the interest receivable from government, and the interest payable on annuities, bonds, and Exchequer bills, for one year	_____	76,563
A year's payments, on the military and contingent funds	_____	6,500
A year's dividend to the Proprietors	_____	256,000
A year's charges of merchandise	_____	180,000
Vol. XII.	R	Value

without foundation, and expatiated on the resources of the Company. He said that if the bill should pass into a law, it would be a death warrant to all the charters, and immunities of corporations, and of individuals in Britain.

Mr. Hardinge.

Mr. *Hardinge* appeared as Counsel for the Directors of the East-India Company. The interests of the Company, he said, were invaded, and the honour of their servants attacked.

Value of goods and stores to be exported within this period, estimated at	_____	_____	_____	370,000
* Freight and demorage, estimated at	_____	_____	_____	900,000
Customs to be paid upon that part of the Company's goods to be sold this year, which are not yet arrived, the whole of what is due for the goods now in warehouse, being included in the above sum of 716,392l. estimated at	_____	_____	_____	104,000
Customs payable within this period, on goods which may arrive early therein, and not be sold till the following year, estimated at	_____	_____	_____	140,000
				<hr/>
				4,278,477
Balance that will remain in cash on the 1st March, 1785				376,210
				<hr/>
				4,654,697

* Memorandum. The sum which may probably become due for freight and demorage on all ships which may arrive in this period, is 1,209,000l. but as the accounts of freight take some considerable time in adjusting, the above sum of 900,000l. is supposed to be as much as may, in the usual course of business, be paid, within the period to which this account relates.

	In cash, and to be received.	£.
1784, 1st March, cash	_____	1,075,112
Debentures payable in discharge of the customs as above	_____	186,585
For pepper and china-ware as deducted in the foregoing account	_____	53,000
The remainder of the goods in warehouse unfold £. 2,500,000		
Deduct that part of them which is credited in the last account	_____	1,058,327
		<hr/>
		1,441,673
For goods to be farther sold within this period, which must depend upon future arrivals, but which upon a medium of five years peace will amount, including charges and profit on private trade, to	_____	1,898,327
		<hr/>
		4,654,697
		<hr/>
		<i>Estimate</i>

tacked. The most violent outrage was threatened on all that could be held valuable by men. In speaking on a subject of

Estimate of Cash for one Year, between the 1st March, 1785, and the 1st March, 1786.

	To pay.	£.
Bills accepted	—	205,598
Ditto, not accepted, supposed to be by agreement postponed	—	£. 775,869
Ditto, that may be drawn from China in 1784, and certificates at twelve months sight, estimated at	—	990,000
Difference between interest receivable and payable, payments on military fund, dividends, charges, and exports, as before	—	889,063
Freight and demorage, estimated at	—	900,000
Customs on Company's goods, estimated at the average of seven years, deducting the sum of 140,000l. advanced last year.		
N. B. About 470,000l. of farther duties are annually paid by the buyers at the sale, on goods delivered for home consumption		680,000
		<u>3,664,661</u>
Balance that will remain in cash the 1st March, 1786; over and above the amount of claims for dividends, &c. due and not demanded, which seldom amount to less than 50,000l.		51,559
		<u>3,716,220</u>

	In cash, and to be received.	£.
1785, March the 1st. Cash	—	376,220
The produce of a year's sales, estimated as before	—	3,340,000
		<u>3,716,220</u>

I. The reason of so large an expected draught from China, falling due within this period, is, that the ships sent out with troops and stores, could not be loaded home but from China; so that twenty-five cargoes are expected to be dispatched from China in season 1783; being near three years ordinary consumption. If any effectual means are taken to prevent smuggling tea, the produce of the Company's sales, will, upon a moderate computation, be thereby increased at the rate at least of 1,000,000l. per annum, more than is in this estimate reckoned upon; and this extraordinary importation will be ready to meet the effect of such salutary regulation.

II. In this estimate nothing is charged for bills that may be farther drawn from India, because there is reason to hope that, peace having been restored, the military establishments will have been reduced, and no more may be drawn, or if drawn, that they will be at dates not falling due till after this period.

of such magnitude and importance, he entreated to be indulged, and he claimed, as his privilege, the utmost liberty of speech. When that liberty should be denied, the liberties of England would be laid low in the dust. He adverted to a great deal of that reasoning on the bill pending in Parliament, which had taken place in the House on former occasions; and that he might do so consistently with form, and without seeming to rest upon extrajudicial evidence, he treated the newspapers, from which alone he pretended to derive his information, as libels, as violent, scandalous, and severe libels against the proceedings of Parliament. What, he asked, have the Directors done that ought to forfeit the confidence of the nation? Have they been guilty of an error of judgment in any instance? Pity them, and look at home. Is the defect, not in the servants of the Company, but in the system of the Company's government? Rectify that system; supply its defects. Have they been guilty of any act of omission, or commission? Prove their guilt—accuse them—punish them. Am I absurd, said Mr. Hardinge, in these propositions? Oh! but says the honourable Secretary, who brings forward the bill, this is not a bill of pains and penalties: it has no retrospect: for God's sake, gentlemen, don't be alarmed; we do not mean to punish you; be quiet, lest you should provoke an enquiry that may be followed with punishment. He recalled to mind the honourable testimony that had been borne to the virtue of the Directors by the Secretary himself, and challenged the House to impeach, if they could, the integrity of their conduct; indemnity, where no crime was committed, was no favour; and it was a cruel insult to turn men, without any cause, out of their offices, and, at the same time, to justify such conduct, by alledging that no other punishment followed that act of injustice. You have done your duty very well. *Non pasces in cruce corvos.*

Mr. Hardinge shewed, that it was not from the defect of the law, or the fault of the Directors, that the abuses complained of in India had originated; and that distance and corruption, under any system, might often set laws at de-

III. On the 1st March, 1786, the goods in warehouse unfold (supposing the ships to arrive safe) will by estimate amount to 6,250,000*l.* discount deducted.

East-India House,
the 28th November, 1783,

Errors excepted,
SAMUEL NICOLL, Accountant.
finace.

finance. The Parliament had assumed to itself the privilege of nominating the Company's servants; those servants had not done their duty; and now it was proposed to visit the iniquity of the servants on the masters; would it not be better to enquire into the cause of abuses, and to remove that cause, than to go so roundly to work? Wherever any grievance takes place, is there no remedy but to appoint seven Commissioners to control the subject of that grievance? The affairs of this nation are not in very good order; we have lost America, and other possessions; yet we do not hear of any number of Commissioners for the government of national affairs. There are doubts and surmises, and a general gloom hanging over the public funds. Why not appoint seven Commissioners to control the Bank, and to manage every thing else relating to public credit? Mr. Hardinge pursuing this vein, enumerated various other particulars, in which the appointment, by Parliament, of seven Commissioners, and eight clerks, (alluding to the eight Assistant-Proprietors) would be as natural and proper as the appointment of Commissioners for the government of India. The bill in agitation, he considered as wearing a very tyrannical and military aspect. The clause empowering the Commissioners to enter into all the Company's warehouses to seize their money, papers, books, and property of every kind, put him in mind of an army entering into, and pillaging a reduced town. Having pointed out the addition which the bill would make to the influence of the Crown, and the example it would set of disregard to the legal claims of the people, he recalled to the mind of the House, former professions of patriotism, and touched on the duty and institution of Parliament to protect the Commons. He exclaimed, in the language of the sacred scriptures, "Oh! that an enemy had done this! But my own friend, my particular friend! even he did lift up his weapon against me!" Mr. Hardinge appealed warmly to the candour of the House, and forewarned them of the danger of breaking laws, and of diminishing the respect due to Parliament, and the national honour, in this kingdom, and throughout the world: *Res agitur tua proximi cum paries ardet.*—He dwelt on the dangerous tendency of the precedent, that the bill, should it pass into a law, would establish; and conjured the House not to give a wound to its own honour, and to the liberty of the nation, by infringing the laws, seizing private property, and violating public faith,

Mr.

Mr. Plomer.

Mr. *Plomer* observed, that besides the territorial revenues, which amounted to five millions sterling annually, which the Company had provided by conquest, they were in possession of tenements and land, both here and in India, but especially in India, of very great value, as well secured to them as the possessions of any individual in England; they held them indeed by the same tenure, the good faith of Parliament. The will of Parliament being supreme, if that will should cease to be governed by a regard to equity, justice, and its own decisions, what property or what person would be safe? It was now two hundred years since the first institution of the English East India Company; their rights were confirmed by length of time, by long possession, by repeated acts of Parliament. Their territorial revenues should not be considered as belonging to Government, any more than their commercial concerns, for these revenues were necessary to protect commerce, which was the great object, and the paramount consideration in our connection with India. He said, that the spirit of the bill was inimical to commerce, which disliked all dark cabals, and loved to explore its own affairs, and to chuse the terms on which it should run any risk, and the persons in whom it should confide. The Proprietors of East India stock were much interested in the good character of the persons whom they should send to India, and, in general, in all matters that came under their cognizance. It was not so with the Commissioners. No particular interest bound them to the prosperity of the Company. Interests of various kinds might often lead them to act in contradiction to them; their situations would naturally inspire them with dispositions to intrigue, and to grasp at political power. It was stated in the Ninth Report, that the act which passed in 1773, narrowing the Court of Proprietors from voters of five hundred pounds property, to those of a thousand, had, by diminishing the number to be influenced, greatly contributed to encrease the power of the Crown to influence them. From that day a wider door of corruption and faction in the management of the Company's affairs was opened than ever; but with how much greater force does this argument apply to the small number of Seven Commissioners. Those men will naturally study, in the first place, to provide, at all hazards, for their own relations and dependents; as these, in their turn, will be, above all things, studious to please their masters at home. Mr. Plomer concluded, that the tide of corruption would flow with a more violent current

current from India to Britain, than ever; and that whether the House had regard to its own purity, to the rights of the Company, or the general privileges of the nation, they would not suffer the bill before them to pass into a law.

Counsel being ordered to withdraw;

As soon as the Counsel had withdrawn, Mr. Fox and Sir James Lowther rose nearly at the same time, and each was supported by numerous friends, in his pretensions to speak first; but Sir James having said that he was going to speak to order, Mr. Fox sat down. Sir James then said, that he would not for any length of time prevent the right honourable gentleman from making his "defence," for having introduced a bill that had for object, the violation of the most sacred rights of Englishmen. What he had to observe on the present occasion was, that it would be necessary, before gentlemen should proceed to debate the bill, that the accounts delivered in at the bar should be read; for as the bankruptcy of the East-India Company was the pretence for bringing in the bill, it would be necessary, in his mind, that every paper should be read that could prove either the truth or falsehood of the argument drawn from the supposition of such bankruptcy.

The *Speaker* said, that in point of order, all papers delivered in at the bar by witnesses, were considered as evidence already given to the House, and therefore it was not necessary that they should be read, except "*pro forma*," and every member might argue from them as if they had been read. He called upon the old members of the House to set him right, if he was wrong in his opinion. The Speaker.

Mr. *Kenyon* could not conceive how such an order could be reconciled with reason or common sense. In the courts of law, if a paper was given in evidence, and its authenticity was ascertained, it was always read; for if it was not, it could be of no service or disservice in the cause, as the court and jury, though, in fact, in possession of the paper, must in reality, as long as it remained unread, be totally unacquainted with its contents. Mr. Kenyon.

The *Speaker* replied, that when evidence was offered by a counsel at the bar of the House, he might, if he pleased, cause it to be read: but if he did not call for that, it was not the custom of the House to read what the counsel did not think necessary to have read. In some cases, the reading of papers delivered at the bar was impracticable; in many instances they were too voluminous: but any member The Speaker.
might

might in debate advert to them, and cause the whole, or any part, to be read as often as he should think fit.

Mr. Fox.

The point of order being thus settled, Mr. Secretary Fox rose to state his reasons for sending the bill to a Committee. The honourable Baronet, says he, has said, that he will not keep me from my defence; and he calls my speaking to the question of commitment a speech in my defence. I allow him his assertion. I shall always consider myself as speaking in my defence, when I rise up to speak to a proposition so great and so important as that which I have now presumed to offer to the wisdom of the House. Whenever I rise up in this House to present a broad and comprehensive scheme of policy to the nation — and that scheme is questioned, charged, and arraigned, I shall always consider what I say in its support as an argument in my own defence; because I shall always consider my own character, my situation, my rank in the country, as at stake on every measure of state which I shall presume to undertake. The honourable Baronet said truly, therefore, that I was now rising to speak in my defence: but give me leave at the same time to assert, that I have something better than my own defence in view, because the present bill has something greater than my own advantage; it is a bill which I from my soul believe to be necessary to the deliverance of the empire, and it would be better supported in my mind by arguments in support of its own principle, than by harsh assertions of personality, which, however they may gratify spleen, had nothing to do with the system submitted to your consideration.

He was really surprized, that notwithstanding the various objections that had been stated to this bill on a former day, he found himself this day attacked upon a ground which he had least expected. The violation of charters, the despotism and oppression of the bill, were topics which he apprehended would have been principally dwelt on this day: but he found that these grounds were nearly abandoned; and now he was to be attacked on that side where he felt himself most strong: yet he would confess, that he was sorry he was so strong there, for his strength must be founded on the weakness of the Company. It was an old and a politic custom with Ministers, in talking in Parliament in the time of war, of the strength and resources of the different bodies of the community, to describe them as if they were in the most prosperous and flourishing condition, and, perhaps, he would himself conform to that custom, if the country was now involved

volved in war. The situation of the country, however, was such as would not now allow the practice of those deceptions. We could only assist the nation, by knowing and declaring what the amount of its distress was. Had not this been the case; had not the most urgent necessity impelled, he never would have brought in such a bill as that under discussion. The bill was a child not of choice but of necessity. In like manner, the answer he was about to give to the Directors' state of the Company's affairs, was not a matter of option, but a matter which he could not avoid, in justice to the Company, in justice to himself, and in justice to the world. He assured the House at the same time, that though his defence must arise from that weakness, he wished most sincerely that he had no such ground of defence; the weakness of a Company so connected with the public, was not a theme which could afford any satisfaction: but as he would stake his reputation on the necessity of the measure he proposed, so it afforded him, as far as his character was concerned, some satisfaction, that he could find in the Company's own accounts substantial proofs of the necessity of a parliamentary interposition. But, he confessed, that while an honourable and learned gentleman, who sat opposite to him now, and who was likely to do so on all occasions, (Mr. Dundas, the late Lord Advocate of Scotland, who sat on the opposition side of the House, close by Mr. Pitt) and other honourable gentlemen in that House, could be appealed to as evidence of the alarming state of the affairs of the Company, he had not imagined that any long or elaborate proof, that they were not in a prosperous condition, would be necessary. Gentlemen, he said, would find that there was no great occasion for them to lament, that the account which had been delivered in at the bar by the East-India Company's accountant, had not been read by the clerk, as he should, in the course of his speech, be obliged to touch upon most of the points that it contained. In this account he found many things inserted, which ought to have been omitted; and many things omitted, which ought to have been inserted. Through these assertions, and these omissions, the Company's affairs were made to appear in a much more favourable point of view than he believed they would be seen in, when he should have stated the different exceptions that he had to their account; but he begged leave again to call to the recollection of the House, that he did not stand pledged to prove that these were actual errors in

VOL. XII. S the

the account. It might be regularly calculated, and the sums very properly cast up. He did not venture to say that there were positive falsehoods in the statement; all that he said, and all that he was pledged for, was, that he would state rational objections to articles in this account, to the amount of more than twelve millions. These objections might not convince the House — they convinced him. He begged that gentlemen would go along with him in the statement, and put down the articles as he enumerated them; for in so complicated a matter, they could not follow him with memory.

The first article in the account, held out as the property of the Company, was 4,200,000*l.* as the debt due to the Company from Government, at three per cent. interest. To this article he did not object: but he must make this observation; that this sum was to be considered as all other money held in the funds of the country, as not otherwise available to the individual than in respect of the annual interest, for there was no obligation of payment; they could not force the production of it; they could not make Government come to a settlement with them; but they stood exactly like the other creditors of the public, secure of the interest, but not armed with powers to come when they pleased at the principal. Another observation too occurred on this. They took and stated this sum with evident error. Surely it was no otherways to be estimated, than as they could carry their stock to market. They were not to set it down in this statement of their property at the nominal amount, but at the marketable value of the commodity. The marketable value of the commodity was three-fifths of the nominal value, and at no more ought they to have stated this sum of property, because for no more was the principal available in their present circumstances. It was very true, that this money was to be repaid to the Company, if Government should ever put an end to the monopoly which the Company enjoyed of the trade to India. In that case, the full sum of 4,200,000*l.* must of course be paid: but as the money was lent, and that Government was never to repay the principal, if they chose, while they continued the monopoly, he must say, it was not so very fair to state the sum lent at the full value of 4,200,000*l.* for if the monopoly should, in any case, be annihilated, without the will of Government, then the money, as he had said, could not be called for; and if the Company wished to sell their interest in that loan, which was sunk in the three per cents. they would of course lose about two fifths of
the

the whole; and therefore the account should, in candour, have stated, that towards paying their debts, they had in the three-per-cent. stock a property that would sell for 2,520,000l.

The next article was of a very singular nature indeed, and gave the House a specimen of the principle on which this account was made up. A charge was made on Government of 260,687l. for the subsistence of prisoners in the war which concluded in 1763. To this article he did not mean to object, as a debt desperate, and to be altogether struck out; but in their present emergency, was it to be considered as an article of available property? This claim was made on France immediately on the conclusion of the war in 1763, and for fifteen years in succession, that is, until the commencement of the last war. The payment of the sum was constantly sought for, and as steadfastly denied. Now, though he for his own part would promise and pledge himself to the Company, that he should exert every effort of his mind and power to accomplish this payment, though there was a negociation at this instant going on at Paris for the payment of it, and though he would pledge himself also for the exertion and activity of the noble Duke now at Paris on the subject, still he asked, if a sum which had been contended for in vain for so long a time, was to be assumed in such an account as available property?

The next article of 139,877l. for expences on the Manilla expedition, and of 21,447l. for hospital expences, bore the same completion. They were all sums which had been in contention for so long a time, that though they might be fairly due, they could not be estimated as property at hand, in fund, or come-at-able; they had been disallowed by every succeeding Treasury, including even that of the Earl of Shelburne; he therefore begged to ask the House, whether these three sums making 422,011l. ought to have been brought forward in the present statement as property applicable to the discharge of their debts?

The next article was under the head of cash, which was stated in money, in bonds paid in at the sales, and again to be issued, and in debentures and custom notes, to amount to 609,954l. Now to this he had an objection. The bonds were here stated as cash, and no notice was taken of a very material article which was the discount, on their being issued again. They bore a very considerable discount, and an allowance should have been made for this discount which they

must suffer, on their being again issued. They could not take any advantage of them but by issuing them anew, and they must be issued at a discount. Instead therefore of stating them on this side of the account as cash, and charging them on the other side as debts against themselves, they ought to have stated merely the amount of the discount as an item against themselves on the debtor side of the account.

The next sum was stated to be due for goods sold, but not delivered, 553,258l. To this he had no objection. The next article was the value of the goods in the warehouses, of which the freights and duties were paid, 2,500,000l. This he did not consider as proper to be taken in the way which they had taken it. It was to be enquired whether they could dispose of this property, and when—whether they could make it productive, and to the amount at which they had taken it—though he did not believe that they could; yet he did not object to this article. At the same time it might have been proper for them to have stated the amount without the customs. They charged themselves with the customs on the other side indeed; but to have made the account regular, the sum should have been regularly stated here without the double entry.

The next was the merchandise exported to India, but not included in the property here, as not being yet arrived, 1,219,091l. When a man was making out a state of accounts, to prove that he had in hand a sufficient quantity of goods, which he could immediately, or in a reasonable time, convert into money, one might be a little surprised to find him enumerating articles which, in their nature, could not be converted into money; and yet the Company had acted precisely in this manner; for they stated that merchandise, to the amount of 1,219,091l. had been exported to India, but not included in the accounts of property there, not being arrived when they were made up. Now in this account were included military stores, to the amount of about half that sum, which were not to be used for any mercantile purpose, but were to be, if they had not already been consumed by the army: to the sum therefore of at least 600,000l. in this article, he would certainly except: it formed no part of the means of the Company to pay their present debts, and therefore ought not to have been included in an account of Ways and Means. They could not bring them to any market, and they were not to be taken as available property. On this article, therefore, he took 600,000l.

The next sum was for silver remaining in the Treasury, 1,090l. The only notice which he meant to take of this article was, to declare his astonishment, or rather indeed not his astonishment, but to point it out as a fact, which proved his statement of their finances to be right. After enumerating their millions afloat; their millions in the warehouses; they came to the calculation of their specie, and it amounted to the sum of 1000l. this reminded him of an article in one of our great bard's best plays, where speaking of one of his best characters, it is said; so much for sack; so much for sugar; so much for burnt hock; so much for this, and so much for that; but for the solid—the substantial—the staff of life—bread—one halfpenny: so it was with this flourishing Company: they had millions of goods, of bonds, of debts; but of silver they had one solitary thousand pounds.

The next article was for the advance of freight, to be deducted on the arrival of the ships, 172,334l. To this article he had very great and solid objection. It was a piece of compleat and most unpardonable fallacy. They stated, in their favour, the advanced freight which they had paid, but they had not taken against them, on the other side, the sum of freight and demurrage, which they would have to pay. To shew the fallacy of this article, he would suppose that he had 1000l. to pay on his note next Monday, of which, however, he had already advanced 100l. In estimating his account he took to his favour the 100l. which he had paid, but took no notice, nor made any provision for the 900l. which he had to pay. The Company had advanced the freight on fifty-three ships; of these, fourteen had come home, and there were still thirty-nine ships behind; but of these, two had been burnt and blown up; so that there remained thirty-seven ships in India, and coming home, on which the remaining freight and demurrage was to be paid, and this was to be estimated at 50,000l. a ship. So that, instead of this sum which they had taken to their credit, they were to be charged in this account with 1,850,000l. for which they were bound, and which they must pay. This he called a very unpardonable fallacy. He desired to know what Parliament would think of any responsible minister, paymaster, or servant, who should act in that manner. Or was it possible, that any man appointed under the present bill, and accountable to that House, could present an account so miserably deficient as this was?

The

The next sum was a small charge for their shipping in England, it was only 12,300*l.* and he might say *de minimis non curat prætor*; but still he must say a few words on the subject, as it shewed to what shifts the Company thought themselves driven, when they would suffer such an article to be brought into an account, it could be merely for the purpose of swelling at all events the total; this sum was estimated to be the value of ships and vessels employed by the Company in England. The meaning of this was, that the sale of these vessels would produce that sum: but as such a sale could be thought of only in case the Company were going to sell off all their stock and give up business, he would object to the article; because as nothing could be farther from his intention than to dissolve the Company, so no such sale could take place while they should exist. The article of 253,616*l.* was exceptionable on the same ground: the Company's houses and buildings in London were estimated at that sum; but as they were not to be sold, he would object to the carrying of that sum to the account of ways and means of the Company.——If brought forward, it was to be brought forward on the presumption of their bankruptcy; a presumption which he never made, and which could not be taken.

To the article of 703,824*l.* taken as the prime cost of four cargoes on their passage from Bengal, he objected in part. It ought to have been stated, what was very well known, that the Company suffered a considerable loss by Bengal goods, and this loss ought to have been deducted from the prime cost of the four cargoes.

The Company estimated the four cargoes on their passage from Bengal, at prime cost, to be

	_____	703,824
To this were to be added the duties,	_____	170,000
freight,	_____	200,000

Which made	_____	£1,073,824
------------	-------	------------

From which the sum of 960,000*l.* being deducted, as the whole of the value which those articles would here bring, the Company of course must be losers of 113,824*l.*——To the sum of 364,515*l.* stated as the value of cargoes dispatched from Bengal to other presidencies, he intended also to object; because as these cargoes consisted of military stores, they were not property that could be converted into money; and consequently ought not to be stated as ways and means to pay debts that pressed upon the Company immediately. It was in the nature of the article, to a moiety of which

which he had already excepted, of military stores sent to India; and he begged leave to remark, that whenever this sort of charge occurred, he should object to it.

He now came to the article, entitled, Quick Stock at Bengal, under various denominations—In treasure and bills 777,351l. that he allowed. The goods for Europe dispatched—the goods imported and unfold—and the salt—but the article of stores unexpended he objected to, on the argument already stated, and he took for this 680,509l. The sum advanced to the Board of Trade was stated to be 837,465l. and this was erroneous. The sum for investments was only 635,000l. and this sum ought to be less by 160,000l. He stated the particulars of this error also. It was not a little singular to find by what means the Company swelled up their account of debts due to them, in order to shew what means they were possessed of to pay their debts. In this place they valued the current rupee at 2s. 3d. when every man knew that to rate it at 2s. 1d. was setting rather a high value on it, the general exchange being at 2s.

The next article he would wish to press to the consideration of the House—it was the debt due by the Nabob, Asoph ul Dowla, 789,828l. This debt was in the nature of many others which were due to us in India, and which had been made the foundation of our various wars. A claim was made on the Nabobs, or the Rajahs, "for the debt which they owed. Their answer was, that they were unable; but that their subjects in a certain district were not only in arrears, but refractory, and therefore if the Company would assist them to reduce their subjects to obedience and payment, they would pay their debts. On this pretext we entered on the war, and what particular species of war we commenced might be drawn from the records of the Company—a war of horror and devastation—we scoured deserted countries—we ravaged and burnt the villages—we destroyed or we captured the women and the infants—in this manner the Rohillas one year, the Marwar country the next, then the Polygars were laid waste and desolated, and those innocent and unprotected natives destroyed; the men were murdered, the women imprisoned and disgraced, their children left a prey to want, and every religious and civil right violated. To prove this, he desired the Clerk might read a letter from Lieut. Col. Bonjour, a Swiss officer in the Company's service, which described the manner in which he found a country, in India in 1773, when sent into it to force people to pay money: the villages were deserted by the men, who left none in them but women and children; the

the men fell upon the English convoys, and cut them off, and put many of the soldiers to death. He represented therefore that either the design must be given up, or reprisals must be made on women and children, which would shock humanity.—He painted to them, in the warm colours of feeling, the scene of horror which the service exhibited, and deprecated such wars as inglorious and contemptible. “Thank God! exclaims Mr. Fox, they have always failed. They have constantly been as unproductive of revenue as they were productive of infamy. In every instance we have failed in our object, but in no instance have we avoided the curses, the abhorrence, the contempt of mankind.” He read also a letter from the Soubah of Oude, of which the following is a copy :

“When the knife had penetrated to the bone, and I was surrounded with such heavy distresses that I could no longer live in expectations, I wrote you an account of my difficulties.

“The answer which I have received to it is such, that it has given me inexpressible grief and affliction. I never had the least idea or expectation from you and the Council, that you would ever have given your orders in so afflicting a manner, in which you never before wrote, and which I could not have imagined.—As I am resolved to obey your orders and directions of the Council, without any delay, as long as I live, I have, agreeably to those orders, delivered up all my private papers to him (the resident) that when he shall have examined my receipts and expences, he may take whatever remains. . As I know it to be my duty to satisfy you, the Company, and Council, I have not failed to obey in any instance, but requested of him that it might be done so as not to distress me in my necessary expences; there being no other funds but those for the expences of my mutes, household expences, and servants, &c. He demanded these in such a manner, that; being remediless, I was obliged to comply with what he required. He has accordingly stopped the pensions of my old servants for thirty years, whether sepoy, mutes, or household servants, and the expences of my family and kitchen, together with the jaghires of my grandmother, mother, and aunts, and of my brothers and dependents, which were for their support. I had raised 1300 horse, and three battalions of sepoy, to attend upon me; but, as I have no resource to support them, I have been obliged to remove the people stationed in the mahals (districts) and to send his people (the resident's people) into the mahals;

mahals ; so that I have not now one single servant about me ; should I mention to what farther difficulties I have been reduced, it would lay me open to contempt."

He would make no comments on this letter, he would leave it to the feelings of the House. All these debts from this Nabob, and from all the Nabobs and Rajahs, he wished at once to strike off ; and he believed that the feelings and the magnanimity of the country would go with him in saying, that they would rather be doomed to pay all that the Company owed, ill as they could at this time bear it ; ill as their sinking-fund could sustain the shock, they would apply to that, rather than wring it from the princes of the country, by aiding them in wars on their innocent people. In this part of his speech, all sides of the House joined in the exclamation of "hear him ! hear him !" as the testimony of their approbation.

The next article was, debts by the Company in Bengal, on bond and otherwise, 2,367,116*l*. Upon this he only observed, that from the word otherwise, it might be imagined that there were considerable debts not on bond—whereas the whole amount was on bond except 100,000*l*. With this observation to mark the stile of the account, he allowed the same. But there was a very curious and singular matter occurred here. It stated that the arrears due to the army did not appear ; but by a subsequent minute it did appear, that the arrears up to March 1783, amount to 502,174*l*.—This they state to come by the last dispatches. Would it not be imagined that at least they would bring this 500,000*l*. to account ? Not one figure of it. He asked the House what they would think of Government, if having accounts from abroad of arrears due to the army, they failed to bring half a million forward—Would they not impeach the defaulter ? He wished, therefore, to rescue the affairs of the East from a Company capable of such a crime, for a crime he declared it was.

Before he left the article of the quick stock of Bengal, he must observe, there was an omission entirely of 130,000*l*. due by the Company to the Military Fund established by Lord Clive, and the Nabob Asoph ul Dowla, and a considerable part of which sum must be paid to the heirs of Lord Clive.

The quick stock at Madras came next ; and here again he objected to the article of stores, military and naval, unexpended, which was 264,110*l*. and on the same account that

“ Goods provided for Europe, 95,145l.” Of this he disallowed 32,000l. put on board two ships that failed after the date here taken, and which was included in the prior statement of goods in warehouses, and he also took the freight and demurrage, to be paid on their arrival in England, 148,003l. for military and naval stores, disallowed for reasons formerly given.

The debts due to the Company of 891,069l. he doubted of as much as of the unsecured part of Ragobah's debt, for the reasons already stated. By these deductions, the debt due by the Company at Bombay amounted to 2,000,000l. instead of 1,790,000l.

There was an additional arrear to be taken as due to the army in India, beyond what the account stated of 140,000l. They also owed to the Nizam, 30 lacks of rupees, which was 300,000l. totally omitted. Besides these sums, which amount in the whole to 9,400,000l. there was to be added the sum due to the Proprietors of 3,200,000l. which made the sum in the whole more than 12,000,000l. which he pledged himself to exhibit in objection to their account.

There were other inaccuracies in their statement, which made considerable difference in its truth, but into which he had not particularly entered. It was alledged that the sum of 400,000l. lately paid by the Company to Government, was as a price for the renewal of their charter. It was no such thing. They paid it as a debt due to the country, and so it was considered*.

The

* In consequence of these objections to the statement exhibited by the Company, the Court of Directors prepared the following Paper of Observations on their Account :

East-India House, Dec. 3, 1783.

At a General Court of the United Company of Merchants of England trading to the East Indies, held here by Adjournment this Day, the following Report from the Court of Directors was read :

PURSUANT to the recommendation of the General Court of Proprietors of the East-India Company, held the 28th November last, to their Court of Directors, “ to prepare such additions to the state of the Company's affairs “ then laid before the said General Court, as might, in their opinion, tend the “ most fully to elucidate the same, and to report such state to the General Court “ at its adjourned meeting ;” the Court of Directors have revised the said state of the Company's affairs laid before the last General Court ; and finding the said account to be substantially right, submit the same to the General Court, with explanatory notes to elucidate the same, as follows :

STATE

The right honourable gentleman then went into a train of most admirable and eloquent deductions from his premises, and

STATE of the AFFAIRS of the EAST-INDIA COMPANY in England, on the 19th November, 1783, and according to the latest Advices from their Settlements Abroad.

The capital stock of the Company consists of 2,800,000*l.* paid by the Proprietors into the Company's Treasury, being after the rate of $87\frac{1}{2}$ per cent. upon the nominal capital of 3,200,000*l.* subscribed. The Proprietors are liable to a call, at the discretion of the General Court, for the remaining $12\frac{1}{2}$ per cent. upon the sum subscribed, amounting to 400,000*l.*

The Property of the Company consists of the following articles, viz.

The debt from Government, for money lent in consideration of the grant of their charter, and renewals of their exclusive right of trade

£.
4,200,000

The history of this debt, and the Company's right to be paid the same in money, on the expiration of the right to exclusive trade, stand as follow :

In 1698, the Company lent 2,000,000*l.* at 8 per cent. to government, in consideration of the charter of incorporation, and the right to exclusive trade until three years notice after the 29th Sept. 1711, and until re-payment of the 2,000,000*l.* so lent.

In 1707, 1,200,000*l.* more was lent, at 5 per cent. and the interest on the former 2,000,000*l.* was reduced to 5 per cent. in consideration of extending the period for redemption of the right of exclusive trade till three years after the 26th of March, 1726, and with condition, upon such redemption, to repay the whole 3,200,000*l.*

In 1712, " To encourage the Company to proceed in their trade, and make lasting settlements for the support and maintenance thereof for the benefit of the British nation," the power of vacating the charter, and redeeming the exclusive trade was repealed, and the term for payment of the 3,200,000*l.* was enlarged, until three years notice after the 25th of March 1733.

In 1719, 1721, and 1723, three several acts were passed, confirming, enlarging, and securing the Company's rights under the preceding acts and charters.

In 1729, the interest of the debt of 3,200,000*l.* was reduced from 5 to 4 per cent. the sum of 200,000*l.* was given to Government, and the Company's right, under the act of 1712, to a perpetuity of exclusive trade, was given up in consideration that the same should continue until three years notice after the 25th March 1766, and until repayment of the debt of 3,200,000*l.* and that, after such redemption of the exclusive right of trade, the Company should for ever remain a body

corporate,

and into distinct answers to the several arguments which had been adduced against the principle, provision, and tendency of his bill.

The

corporate, with power to exercise for ever a free trade to the East Indies, in common with the rest of his Majesty's subjects.

In 1744, the Company lent a farther sum of 1,000,000*l.* to Government at 3 per cent. interest, in consideration of extending the term of their right to exclusive trade, until three years notice after the 25th March 1780, and until repayment of the whole debt of 4,200,000*l.* and confirmation of the corporate capacity and right of free trade for ever.

In 1750, the interest on the whole debt of 4,200,000*l.* was reduced to 3 per cent. and the Company was empowered (towards the discharge of their bond debt) to grant the annuities stated on the other side this account, for which the funds appointed for payment of the interest to the Company, were made a collateral security.

On the 7th April 1780, the Speaker of the House of Commons, in pursuance of the powers granted by the above-mentioned act, gave notice in writing to the Company, that the debt of 4,200,000*l.* and all arrears of interest thereon, would be paid off on the 10th April 1783, which notice was not put in execution.

In 1781, in consideration of an agreement for a participation between Government and the Company of the profits arising from the territorial acquisitions and revenues, and of the sum of 400,000*l.* agreed to be paid in full thereof to the 1st March 1781 (the sum of 2,169,398*l.* 18*s.* 2*d.* having, since the year 1768, been before paid to Government on that account), the right of exclusive trade was extended until three years notice after 1st March 1791, and until repayment of the debt of 4,200,000*l.* And all the corporate and other rights and capacities of the Company were expressly confirmed.

Of this last sum of 400,000*l.* the sum of 300,000*l.* has been paid, and the remaining 100,000*l.* is stated as a debt below.

Due to the Company for subsistence of French prisoners, in the war before last, which demand has been continually kept up, and is now understood to be in train of settlement

260,687

Due to the Company from Government, for the following articles, the allowance of which is disputed :

Expences on the expedition to Manilha	—	139,877
Hospital expences	—	21,447

161,324

These claims having always been insisted upon by the Company as a just debt, it became the duty of the Court of Directors to state them as such. The ground of the Manilha debt is an assurance, in writing, from the Crown, that the Company

should

The peace with the Mahrattas had been held out by the friends and agents of that great man Mr. Hastings, a man who,

should be indemnified for all such expences on that expedition, as should not otherwise be reimbursed to them; the Company having received only 28,365l. 15s. 8d. which is the whole sum admitted by the Lords of the Treasury to be due to the Company.

The ground of the 21,447l. of hospital expences, is an actual disbursement thereof for the use of his Majesty's forces.

Cash, consisting of the following articles, viz.

In money	142,784
In the Company's bonds paid in at the sales, as mentioned below, which the Company will again issue	280,575
In debentures and custom notes, which will, on settlement, discharge so much of the sum charged below as payable for customs	186,585

609,954

The bonds paid in, being received in cash, and again issued as opportunity offers, are never considered as bonds discharged, or wrote off from the account of bonds; nor could the account of them be otherwise kept, without occasioning great confusion and inconvenience; and the interest running upon them, whilst so kept in the Company's cash, has generally paid the discount allowed on selling them.

Due for goods sold, but not delivered or paid for	553,258
---	---------

The estimated value of goods in warehouse unfold, of which all the freights and duties are paid, or charged below.

Goods to be sold in course of the present sale, and paid for chiefly before the 1st March, 1784, amounting to, clear of discount	1,058,327
Goods remaining to be sold in future sale	1,441,673

2,500,000

Merchandize and stores exported to India, but not included in the accounts of quick stock hereunder mentioned, not being arrived when the same were made up, viz.

Merchandize	921,956
Stores, civil, marine, and military	297,136

1,219,092

The produce of every part of these stores and merchandize will be either brought into the Company's cash, or be in an equivalent way accounted for under the following heads, viz.

1st. Merchandize and stores to be sold by the Company to indifferent persons, and to the owners of the ships freighted by the Company, at the current prices in India, and either paid for in cash, or charged to the owners in account.

2d. Cloathing to be sold to the Commanding officers of corps, and paid for out of the establishment of those corps.

3d. Stores,

who, by disobeying the orders of his employers, had made himself so great, as to be now able to mix in every question of

3d. Stores, civil, military, and marine, to be issued to the officers of the Company in those departments, and charged to them in the account settled with them for the expences thereof.		
4th. Stores to be sold for the use of his Majesty's fleet and army in India at the current price, and either paid for in cash, or remitted in bills of exchange upon the proper offices in England.		
Silver remaining in the Treasury for exportation	—	1,090
Advanced on account of freight to the owners of ships now abroad, which will be deducted from the freight payable to them when they arrive	—	172,334
This article is of the nature of an advance made in part of the cost of goods hereafter to arrive and be brought to sale in London, which, when they arrive, will be chargeable with the freight of the ships that bring them; and from that freight this advance will be deducted.		
Value of ships and vessels employed in England	—	12,300
This article is greatly under-rated, for the value of a ship and six packets now at sea, might have been added thereto. The whole consists of ships, packets, and boys, that, on the most moderate computation, would sell for the sums they stand estimated at.		
Value of the Company's freehold estate in houses and warehouses in London, a small part of which are let, but the chief part occupied by the Company	—	253,616
The return to the Company for this part of their capital is found in the general use thereof to the carrying on their affairs; and the principal, though not applicable to their payments while their trade continues, is to be considered as property locked up, like the principal of the debt due from Government.		
The prime cost of the cargoes of the ships Resolution, Hinchinbrook, Norfolk, and Worcester, homeward bound from Bengal		703,824
The dispatches from Bengal state considerable savings to have been made in the purchases from which these cargoes were supplied; and, until the time of the ships' arrival, and inspection of the quality of the goods, it is impossible to determine whether they may sell at a little more or a little less than the amount of prime cost and charges.		
The prime cost of cargoes dispatched from Bengal to other presidencies, which are not included in any of the under-mentioned accounts of quick stock	—	364,514
This sum consists of the following articles: £.		
Cash sent to Madras	—	103,280
Stores sent to Madras	—	247,683
Goods sent to Bencoolen	—	13,307
Stores afloat at Bengal	—	242
	—	364,514
		These

of state, and make every measure of Government a personal point in which he had a share — the peace with the Maharrattas

These articles will all be accounted for in like manner as is herein before explained concerning goods and stores exported from Europe.

The accounts of the credits and effects of the Company, and the debts owing by them at the several presidencies in India, have been, from time to time, sent home under the head of Balances of the Quick Stock, distinguishing them thereby from the value of fortifications, and other articles, called dead stock. These accounts of quick stock can never be made up to the present time in England, because of the distance of situation; and must, therefore, be stated according to the last accounts transmitted. The reducing them to sterling money is only serviceable for elucidating the subject to those who are unaccustomed to Indian denominations of money; but the whole of the receipts and payments are to be made upon the spot in Indian money; the Company is not bound to make them otherwise; and therefore, the rate of exchange assumed can only affect the ultimate balance; and they are the same that have always been used for that purpose.

Quick stock at Bengal on the 28th February, 1783, valuing the rupee at 2s. 3d. sterling:

In treasure and bills receivable	—	777,361
----------------------------------	---	---------

In goods applicable to the cargoes of ships for Europe, provided at the reduced price herein before mentioned, and subject to the same observations as the four cargoes before mentioned	—	922,805
--	---	---------

In advances made under the direction of the Board of Trade, for the farther purchase of goods for Europe, and in debts in the ordinary course of business	—	837,465
---	---	---------

In goods imported from Europe, to be sold or applied as before explained, under the head of merchandize and stores exported from Europe		78,194
---	--	--------

In stores, civil, marine, and military, unexpended, to be sold or applied in the same manner		680,509
--	--	---------

In salt, manufactured by the Company, paid for and remaining unsold	—	119,891
---	---	---------

Debt due by the Nabob Asoph ul Dowla, uncontroverted by him, and subject to no just ground of doubt about the payment	—	789,828
---	---	---------

Amount of quick stock in Bengal	—	4,206,053
---------------------------------	---	-----------

Deduct the debts due by the Company in Bengal, and payable there, of every denomination		2,367,116
---	--	-----------

Balance of quick stock in Bengal, in favour of the Company	—	1,838,937
--	---	-----------

rattas was held out as so favourable to this country, that every good was to be derived from it. What said the last advices

The arrears due to the army in Bengal at this period, do not appear; but by a subsequent minute it appears, that the whole of their pay and arrears, of every kind, to the month of March, 1783, would amount to about 502,174l. This sort of unliquidated demand must, at all times, necessarily arise in accounts stated in India at one time, and in England at another; but if on the one hand, expences are carried forward by estimate, beyond the period up to which the revenues are credited in the accounts made up in India, those revenues ought on the other hand, to be brought into the account; and the general result could only be thereby altered, in as far as the excess or deficiency of the revenues compared with the expences extend.

There is a sum of 129,456l. due by the Company in Bengal to the military fund established by Lord Clive and the Nabob Sy-elf ul Dowla. If ever the Company should no longer have an army in India, or any ships employed in their service, the sum of 62,833l. part of the above sum, will become a debt payable by the Company in India to the heirs of Lord Clive.

A debt of 130,500l. from the Berar government to the Company, and a disputed claim of the Company, of 60,186l. for interests on arrears of salt duties, are left out of this account.

The quick stock at Madras, on the 31st August, 1782, (since when there are no advices on this subject) stood as follows, valuing the pagoda at 8s. sterling :

Cash and bills receivable	—	—	280,400
Goods provided for Europe	—	—	68,694
Goods imported, remaining unsold	—	—	89,140
Stores unexpended, civil, military, and marine			264,112

The nature of these articles seems sufficiently explained under the head of Bengal quick stock.

Debt from the Nabob of Arcot, on account current, not disputed	—	—	968,012
--	---	---	---------

Debt from the Rajah of Tanjore, being not quite one year's tribute	—	—	158,250
--	---	---	---------

The Carnatic being now freed from invasion, there is no reason to doubt but these debts will, in a reasonable time, be paid.

Debt from the renters of sundry districts	—		993,804
---	---	--	---------

From

advices to that ? Read the last Gazette ; in the very moment that an honourable gentleman, whose zeal and ardour carried

From the calamities which have fallen upon the Carnatic, there is reason to fear that a considerable part of this sum may never be recovered.

Advance for investments and sundry small debts	76,832
	<hr/>
	2,899,242
Deduct debts due by the Company at Madras, at the above period, of every denomination, including all arrears to the military	821,164
	<hr/>
Balance at Madras in favour of the Company	2,078,078
	<hr/>

The observation already made under the head of Bengal, upon carrying on the expence by estimate to a later date than the accounts are made up to, and charging the rising revenues against the same, applies equally to the accounts at the other presidencies to those at Bengal.

The quick stock at Bencoolen, consisting of the difference between cash and effects, and the debts owing there by the Company, amounted, in like manner, on the 19th March, 1783, to a balance in favour of the Company of

189,036

The quick stock at St. Helena, on the 30th September, 1782, amounted, in like manner, to

27,618

The quick stock in China, by an account dated 18th December, 1782, as explained by a letter dated 17th February, 1783, amounted, after the dispatch of the ships of that season, which are arrived, and over and above all the debts of the Company in China, to

132,596

Every part of the quick stocks at Bencoolen, St. Helena, and China, appears undoubtedly good, according to the explanation herein before given.

The quick stock at Bombay, on the 15th September, 1782, valuing the rupee at 2s. 6d. sterling, stood as follows :

Cash and bills receivable	24,663
Goods provided for Europe, India, and China	95,145

This appears to be the value of goods remaining, after loading the Neptune and Royal Admiral.

carried him generally too far, was loud in declaring that all was peace in India, and congratulating the Proprietors on the

Goods imported, remaining unfold	—	42,934
Stores, civil, marine, and military, not expended		148,003
Quick stock at subordinates, not specified	—	20,075
Debts to the Company	891,069	
Deduct the unsecured part of a debt from Ragobah	398,879	
	—	<u>492,190</u>

In the above sum of 492,190l. is included the balance of a debt due from the Bombay bank, amounting to 97,950l. which has, for many years past, been included in the accounts of quick stock at Bombay, but which, notwithstanding, we do not consider as permanent, as probably the exigencies of the Company may have required the government of Bombay to have made use of it.

Value of effects	—	<u>823,027</u>
------------------	---	----------------

The amount of debt at Bombay of all denominations, (besides the arrears due to the military, which are not specified) amounted at the above period to	1,790,112
Deduct the value of effects as above	<u>823,027</u>
Balance against the Company	<u>967,085</u>

Recapitulation of the balances of quick stock :

In favour of the Company at Bengal	1,838,937
Madras	2,078,058
China	132,596
Bencoolen	189,036
St. Helena	27,618
	<u>4,266,265</u>
Against the Company at Bombay	<u>967,085</u>
	<u>3,299,180</u>
	<u>14,311,173</u>

The debts due by the Company are as follows :
To the proprietors of annuities granted in the year 1750, as above mentioned, for the capital of 2,992,440l. at 3 per cent. per annum. If the Company was to buy up these annuities at the

present

the prosperous situation of their affairs, came home the dispatches contained in the last Gazette. Let the House learn from that Gazette, the pressing occasion for an immediate

present price of about 55 per cent. it would cost about 1,645,841.		
so to buy them up; but the capital received for them was		2,992,440
To the Company's bonds, circulated by authority of Parliament, and limited not to exceed two millions. The principal may be demanded by the holders, or paid off by the Company, on six months notice; and such bonds as have six months due upon them, are always taken by the Company as cash, in payment for goods bought at the sales, and issued again by the Company when opportunity offers. The sum at present in circulation is	1,716,125	
Those standing in the Company's cash, as above mentioned, amount to	280,575	1,996,700
To old bonds called in, but which have not been presented for payment, and on which interest has ceased		11,592
To government, for customs postponed by authority of Parliament		924,862
To ditto, for customs due and to grow due upon all the goods in hand unfold; in diminution of which, the sum of 186,584l. 9s. 3d. of debentures herein-before reckoned as cash, will, upon a settlement, be charged		716,392
To ditto, for the last payment of the sum of 400,000l. agreed to be paid under the act of Parliament in 1781, as herein before stated		100,000
To ditto, for exchequer bills lent to the Company by authority of Parliament, which will become payable in April, 1786, and interest thereon		302,587
To accepted bills of exchange and certificates, falling due as follows, viz.		
Past due, but not presented for payment	36,280	
Due before the 1st of March, 1784	85,892	
Due between the 1st March, 1784, and 1st March, 1785	552,700	
Due between the 1st March, 1785, and 1st March, 1786	205,598	
Due after March, 1786	94,624	
Two bonds payable on attested copies	15,704	990,798
To bills of exchange and certificates not accepted, falling due as follows:		
Before the 1st March, 1784	52,646	
Between 1st March, 1784, and 1st March, 1785	641,322	
Between 1st March, 1785, and 1st March, 1786	775,869	
After the 1st March, 1786	48,463	1,498,300
		In

immediate reform of the government of India. Let them see the cause of the disasters recorded in those direful dispatches—

In 1773, when the Company was assisted with a loan of 1,400,000l. from government, they were restrained from accepting bills drawn from India beyond the amount 300,000l. in any one year, without permission from the Lords of the Treasury, until the loan was repaid. The loan was repaid in about three years, but the restriction was nevertheless continued; whereby the Company stands precluded from the power of exercising their discretion, in the acceptance of such bills as the exigency of times and circumstances, out of the reach of human regulation, may render it unavoidably necessary for their presidencies abroad to draw. Such a necessity has arisen in the present instance, from the calamities of war, and the provision of cargoes for the extraordinary number of ships sent out with troops and warlike stores, which was in part foreseen, and a permission given by the Treasury to draw for 50 lacks of rupees, or about 520,000l. extraordinary for the purchase of goods; which permission could not arrive in India till after the bills were drawn. By this means the Company is at liberty to accept about 588,000l. of the unaccepted bills; but the Treasury has not yet permitted the acceptance of the rest. There appears no ground to doubt the whole having been properly drawn for the purposes above mentioned.

To sundry persons for freight and other demands, in the ordinary course of the Company's affairs

458,481

This article contains all that is due for freight of ships arrived.

The freight which will become payable to those henceforward to arrive, will be a charge upon the goods they are to bring, and is in no sense whatever a debt against the Company until such arrival.

To sundry persons for dividends and interest due, but not yet demanded

149,901

To half a year's dividend on the capital stock, payable next Christmas

128,000

To the surplus of interest on the military fund established by Lord Clive, as herein before mentioned

72,639

10,342,692

From the amount of the Company's property, as above stated, being

14,311,173

Deduct the amount of debts as above, being

10,342,692

Remains a balance in favour of the Company of

3,968,481

Besides

patches — a quarrel among the officers on the common theme of India, the division of the spoil, the disposal of the plunder

Besides the articles hereunder specified, upon which no valuation is put in the preceding accounts, viz.

The dead stock in India, consisting of fortifications, warehouses, and other buildings, &c. The articles falling under this description were valued by Lord Godolphin's Award, in the year 1702, at £400,000 but they have now cost the Company nearly seven millions sterling.

The Company's landed property in India, exclusive of the territorial revenues, produces an annual income of about — 881,000

The territorial revenues upon the coast of Coromandel, and the Northern Circars, upon which the public has no claim, amount (subject to the charges of management) to about, per annum — 350,000

The territorial revenues in Bengal, Bahar, and Oriza, amount (subject to the charges of management) to about, per annum 1,838,000

The subsidy paid by the Nabob of Oude, and the tribute from Benares, amount to a farther clear income of about, per annum 962,000

The revenue arising from salt in Bengal amounts to about, per annum — 450,000

The revenue of customs in India amounts to about, per annum — 236,367

The subsidy paid by the Rajah of Tanjore amounts to about, per annum — 160,000

The subsidy paid by the Nabob of Arcot amounts to about, per annum — 200,000

Total of annual income — 5,077,367

In this account the revenues of Nagore and Negapatnam are not included, as they cannot, at present, be stated correctly; nor is Lord Clive's jaghire included, amounting to upwards of 27,000l. per annum, which devolves to the Company in May, 1784. On the other hand a claim of the Nizam, upon the revenues of the Northern Circars, is not stated.

The war in Bengal and the Carnatic being happily at an end, these revenues, which, during the war, were insufficient to support the expences thereof, and of the civil government, will now become productive of a great surplus applicable to the payment of debt, and the purchase of cargoes for Europe. Upon the nearest calculation, the peace establishment of all expences

payable

der taken from the natives ! They would learn from the Gazette, that our army had lost all subordination, as they had

payable out of these revenues will not exceed 3,096,000l, per annum, viz.

Civil and military expences in Bengal	£.	2,010,000
Ditto at Madras	—	730,000
Ditto at Bombay	—	356,000
		3,096,000

The military arrears, and the expences of the war, between the periods to which the accounts of quick stock are made up, and the termination of the war, will probably exceed the revenue of the Company in India during the same period ; but the amount of such excess being merely conjectural, the same cannot be stated as part of an account grounded on authentic documents. Whatever it may amount to, will undoubtedly be a deduction from the balance of 3,968,481l. above stated.

In this account no credit is taken for the value of plate, household furniture, plantations, farms, slaves, sloop, and vessels in India, although the Secret Committee of the House of Commons did, in 1772, admit those articles to be charged. They now amount to 639,281l. and make part of the gross sum of seven millions stated above, as expended for dead stock.

Your Court of Directors also beg leave to lay before the General Court an estimate of the receipts and payments to be made in England, carried on to the 1st March, 1786, beyond which time they deem it improper to continue such estimate, as the transactions subsequent thereto will principally depend upon events that have not yet taken place — For this purpose it is necessary, in the first place, to consider what cargoes are expected to arrive, what sums they will sell for, and what outgoings will be attendant thereon ; which stand as follows :

From the necessity of sending out additional recruits and uncommon quantities of stores, as well for the King's as the Company's service, during the war, and transporting to India his Majesty's troops in the Company's ships, a much greater number of ships have been sent out during the last three years, than would have been sent in the common course of the Company's affairs, which, when in India, must be loaded home, or sent home in ballast. At the same time, the interruptions of navigation homeward bound, and waiting for convoys, have occasioned the ships to be detained much longer on their voyages than they otherwise would have been ; and whilst the produce of the last

had learnt from other publications, that our civil government in India had lost all energy. And, in addition to that information,

two years, two sales in England have been very much reduced for the want of arrivals, the whole importation is thrown in a mass, so as to bring to market in the year 1784 all those goods that have been so withheld from the sales of 1782 and 1783, together with a very considerable farther supply. Under these circumstances, no less than 45 cargoes will be in course of arrival between the present time and the end of the year 1784, viz.

Expected soon to arrive, four ships, whose cargoes will have been provided out of the quick stock herein before stated, viz.

One ship from Bombay, the cargo of which, per estimate, will sell for	—	—	—	—	£80,000
Two ditto from China	—	—	ditto	—	180,000
One ditto from Bencoolen	—	—	ditto	—	60,000

Expected to arrive between March and July, 1784, 14 ships from Bengal, the cargoes of which will be provided as follows, viz.

Four, stated as on their voyage in the preceding account, and paid for before making up the preceding balances of quick stock	—	—	—	—	3,500,000
Ten, provided out of the balance of the quick stock in Bengal, and out of the bills drawn, and stated above as unaccepted	—	—	—	—	

Expected to arrive before Michaelmas 1784.

Three cargoes from Bombay, provided out of the preceding quick stock, aided by the imported merchandize from England	—	—	—	—	240,000
Two ditto from Bencoolen, provided in like manner	—	—	—	—	120,000
Four ditto from Bengal and Madras, for the supply of which the merchandize exported from Europe, applied in aid of the quick stock, are supposed to afford a sufficient fund	—	—	—	—	960,000

Eighteen ditto from China, for which it is estimated that, besides the produce of merchandize exported, there must be drawn upon England a sum of about £680,000, which will become payable about Midsummer, 1785. But this is upon the supposition that no remittance will be made in the end of 1783, or beginning of 1784, from Bengal to China, in consequence of the restoration of peace. If such remittance should be made, it will apply in reduction of the sum to be drawn. The produce of these 18 cargoes, at the Company's sales, will, by estimate, amount to

Total value of the expected importation by the end of 1784, — 7,940,000
 VOL. XII. X These

information, he would read a letter from Mr. Anderson, stating that the Peshwa and Madajee Scindia proposed that they

These cargoes, thus adding £7,940,000 to the value of goods to be sold, will, on the other hand, bring a charge upon the cash in England, as follows:

The above mentioned China bills (if not diminished by remittances from Bengal) will fall due about Midsummer 1785, and amount to	680,000
The freight and demurrage of the 45 ships cannot be exactly ascertained, because the settlement depends upon dates of dispatch in India, and other circumstances, not at present known, but is estimated at £1,800,000 of which about £900,000 may, in the common course of the Company's affairs, become payable before the 1st of March, 1785, and the rest before the 1st March 1786	1,800,000
The duties payable by the Company, exclusive of those paid by the buyers, will amount to about	1,985,000
Total of outgoings	4,465,000

The above duties, amounting to £1,985,000, will be payable as follows, viz.

In six months after the ships arrival, about	200,000
In twelve months after ditto	200,000
Payable after the goods are sold	1,585,000
	1,985,000

Supposing the gross amount of the Company's sales to be according to the annual average of £3,300,000 per annum, the sales of these goods will be as follows, viz.

The stock now in hand will go towards the sale between the 1st March, 1784 and 1st March 1785, for £1,441,673, which will leave the value to be taken out of the importations of 1784, at	1,858,327
The sales between the 1st March 1785 and 1st March 1786, will farther exhaust, of the goods to be so imported	3,300,000
Total to be sold before the 1st March 1786	5,158,327
There will remain therefore, on the 1st March 1786, in warehouse, of the goods arriving in 1784, to the value of	2,781,673
Total importation in 1784, as above	7,940,000

Besides

they should enter into an alliance with the Company to strip Tippoo Saib of his territories, and make a partition of them

Besides the value of about 23 cargoes, which will be in course of arrival in 1785, which are no way taken into this account, but will be in warehouse, if they arrive in their due time, on the 1st March, 1786.

The sums payable in England before 1st March, 1786, therefore, in respect of duties on goods henceforward to arrive, will be as follows :

To be paid before 1st March, 1785.

The first payment of duties payable on arrivals in

1784	_____	_____	_____	200,000	
Duties payable on £1,858,327 of sales	_____	_____	_____	370,000	
				_____	570,000

To be paid between 1st March 1785, and 1st March 1786.

The second payment of duties payable on arrivals

in 1784	_____	_____	_____	200,000	
Duties payable on £3,300,000 of sales	_____	_____	_____	660,000	
				_____	860,000

Besides such part of the duties payable on importation as shall accrue upon the cargoes to be imported in 1785, which may amount to about £100,000, but need not be taken into computation, because a moiety of the duties payable out of the sales, are not payable till three months after the sales, which delay will afford a fund sufficient for such first payment, and throw the whole thereof into a later period than that which is the object of the present estimate.

In addition to the considerations which arise out of this view of the expected arrivals, and the outgoings attendant thereon, the estimate of the Company's receipts and payments will be dependent upon government continuing to postpone demands to the amount of those already postponed, and upon the unaccepted bills being accepted, payable at one period or another. It is in the following estimate assumed, that government *will* postpone the said demands; and that the unaccepted bills falling due in 1784 and 1785, *may* be accepted at such time as shall throw the payment thereof beyond the view of the present estimate. It is also assumed, that the bonds may be kept in circulation; and upon these premises, dividing the estimate into three periods, ending the 1st March 1784, 1st March 1785, and 1st March 1786, the receipts and payments will stand as follow, viz.

them between the three. This proposition appeared to be acceptable to Mr. Hastings; and it was therefore reasonable to

For the period ending the 1st March 1784.

				To pay.
The following dormant claims, supposing them all to be made :				
Old bonds	—	—	—	£11,592
Dividends and interest past due	—	—	—	149,901
Bills of exchange past due	—	—	—	36,280
Arrears of military and contingent fund	—	—	—	4,050
				<hr/>
The debts for freight, goods bought, and every other current demand				201,813
Bills accepted	—	—	—	458,481
Bills not accepted	—	—	—	85,892
Dividend to the proprietors	—	—	—	32,646
				<hr/>
				128,000
				<hr/>
				906,842
Balance in hand carried forward	—	—	—	1,075,112
				<hr/>
				1,981,954
				<hr/>

				To receive.
Money in the Treasury	—	—	—	242,794
Bonds in ditto to be issued	—	—	—	280,575
Goods sold, payable in this period	—	—	—	553,258
Goods daily selling so payable, estimated in all at	—	—	1,058,327	
Deduct what will not be payable till after the 1st March	—	—	53,000	
				<hr/>
				1,005,327
N. B. The debentures in the Treasury will more than discharge any unpostponed customs payable within this period.				<hr/>
				2,981,953
				<hr/>

For the period between the 1st March 1784, and 1st March 1785.

				To pay.
Total on unpostponed duties on goods arrived	—	—	—	716,392
Bills accepted	—	—	—	552,700
Bills and certificates that may be farther drawn	—	—	—	335,000
Customs on future arrivals, as above stated	—	—	—	570,000
Freight and demurrage, as above stated	—	—	—	900,000
Freight to be advanced to 13 outward-bound ships	—	—	—	26,000
One year's payments for exports	—	—	400,000	
Charges of merchandize	—	—	180,000	
				<hr/>
				Dividend

to suppose, or to fear, that a new war was actually raging at this time in India.

Did

Dividend	256,000	
Military fund	6,500	
Difference between interest payable and receivable	76,563	
		<u>919,063</u>
		<u>4,019,155</u>
Balance in hand carried forward		<u>635,542</u>
		<u>4,654,697</u>

To receive.

Balance from above	1,075,112
Debentures payable in discharge of Customs	186,585
The article deducted above for goods payable in this period	53,000
Produce of a year's sales	3,300,000
A year's profit on private trade	40,000
	<u>4,654,697</u>

For the period between the 1st March, 1785, and 1st March, 1786.

To pay.

Bills accepted	205,598
Bills that may be drawn from China, as above	680,000
Certificates and other bills that may be drawn	230,000
Freight and demurrage, as above stated	900,000
Customs, as above stated	860,000
Freight to be advanced to twenty outward-bound ships	40,000
Yearly payments, as specified in the last period	919,063
	<u>3,834,661</u>
Balance in hand the 1st March, 1786	<u>140,881</u>
	<u>3,975,542</u>

To receive.

Balance from above	635,542
Produce of a year's sales and private trade as before	3,340,000
	<u>3,975,542</u>

To

Did the House know of the disputes in our presidencies, as well as in the army? that Lord Macartney, that great and

To the above balance of 140,881l. may be added all the sums due, and not demanded, which seldom amount to less than 50,000l. and all the favourable chances of increased sales and diminished bills from China; and the whole will be applicable to unforeseen demands, and to such payments of freight to the ships that may arrive in the season 1785, as it may be convenient to make before the 1st March, 1786; and it is farther to be observed, that the Company will, at that time, have in warehouse in London, goods to the value 2,781,673l. remaining of the expected importation in 1784, with the freight upon them paid, and part of the duties; besides the whole importation of 1785, expected to consist of twenty-three cargoes, of the farther value of 3,470,000l. subject to payment of freight and duty.

Having thus stated the estimate of the Company's receipts and payments, by which it appears that a sum equal to that now postponed by government must be postponed or raised, and that farther time must be taken upon the unaccepted bills, your Court of Directors think it proper to state some of the principal causes from whence this deficiency has arisen.

By the means herein before set forth, the arrivals have been put so much out of their ordinary course, that only thirteen ships arrived in the season 1782, and eleven in the season 1783, whilst forty-five are left to arrive in 1784, besides ten more which are now abroad, and will, as it is supposed, be kept in India so as to arrive in 1785, at the same time with most of those now under dispatch from hence. The sales of which the Company is at the proper time deprived, are not in any adequate degree made good by the increasing amount of the ensuing ones; and the amount of the sales in general has been of late uncommonly curtailed by the prevalence of smuggling. Duties have been laid on the commodities imported by the Company, especially on tea, amounting to an absolute prohibition, unless the exclusive privilege of supplying the consumption could be maintained inviolate; and the inefficacy of the laws and regulations for that purpose against smuggling do not, upon a moderate computation, diminish the sales so little as a million per annum, which would be added to the credit side of the above estimate, if smuggling even tea alone could be prevented.

The extra demurrage, occasioned by waiting for convoys, amounts alone to more than all the postponed demand of government; and the high rate of freight during the war, has very heavily loaded the homeward-bound trade.

and exalted man, the only man who paid obedience to his constituents, was at this instant perhaps removed, confined, perhaps

The war in India has, for some years past, not only exhausted the whole revenue in India, which used to supply the investment for Europe and China, and thereby occasioned the bills to be drawn, which are now unaccepted, but has also been a heavy burthen upon the Company's trade,

The Company has sustained losses at sea, occasioned by the war, amounting to upwards of 750,000l.

The Company is restrained by Parliament from making any use of its credit to relieve these temporary distresses, or from borrowing money, even of the members of its own body, or in any other quarter, except from government.

And finally, your Court of Directors beg leave to observe, that, under all these disadvantages, the favour wanted from government amounts to no more than granting about fifteen months extra credit for the duties as they fall due, until the trade can be brought back into its regular channel; and for the bill-holders to allow such time of payment as may enable the Company to convert into cash for that purpose, the goods for the purchase of which those bills were drawn. And it appears, that unless some uncommon disaster, beyond what is incident to peaceable navigation, befalls the Company's homeward-bound ships, they can never be without goods in their warehouses in London, (which are always kept under the lock of government) of value far superior to the whole amount at any time necessary to be so postponed; whilst the return of peace opens an immediate prospect of savings from the revenues in India, sufficient to give a very speedy relief to every distress which the war has brought upon the Company.

THOMAS MORTON, Secretary.

No. I.

A Statement of the Debts, Credits, and Effects of the East-India Company, formed upon a supposition of being forced to surrender up the Territorial Revenues to Government; which, nevertheless, cannot, in justice, be required, without making some adequate satisfaction to the Company for the expences incurred in acquiring them; paid out of the Company's Trading Stock in England.

By money due from government to the Company, advanced in 1698, at 8 per cent. interest, or 160,000l. per annum	£. 2,000,000
By a farther sum advanced to government without additional interest, 1707	1,200,000
Besides these loans, the Company made a free gift in 1730, of 200,000l.	

By

perhaps come to the fate of Lord Pigot? Would they not remember, that, by the peace with France, we had engaged not

By a million to government in 1744	1,000,000
In 1750, three millions of the Company's bonded debt were, by an act of Parliament, converted into annuities at 3 per cent.	
The whole interest, reduced to 3 per cent. in 1750, or 126,000l. being a remittance on the 160,000l. originally advanced of 34,000l.	
Total due from government	4,200,000
To be returned when the Company's exclusive right to trade expires.	
Deduct, due to the annuitants at par	2,991,000
	1,208,000
By cash and bonds, including the separate fund	610,000
In this article are included 280,000l. in bonds paid in on sales, or bought up, and 187,000l. in debentures and custom notes, payable to the Crown for duties; the bonds are open to the market, therefore convertible into cash, and consequently must constitute a part of the Company's circulation as substitutes for real money to carry on the trade.	
By goods sold, not paid for	553,000
In this sum 80,000l. are included, owing from government for salt-petre.	
By the value of goods in England unsold	2,500,000
By silver in the Treasury	1000
By goods laden or in warehouses for shipping at Calcutta, exclusive of investment loan, all at prime cost	2,330,000
By investment loan at Bengal, prime cost	1,100,000
This investment was purchased with money raised by bills of exchange, which bills lay among those included in the debit side of the account. When these bills are brought against the Company, the goods ought to be set to their credit. By the advices, the goods are to consist of 50 lacks piece goods, 20 lacks Lucknow cloths, and 30 lacks raw silk. The investment is asserted to be purchased on more advantageous terms than formerly.	
By pepper sent to China	30,000
By money to be raised by bills of exchange, to complete China cargoes	510,000
By three cargoes laying at Bencoolen, and another at Bombay, prime cost	93,000
By china, for cash remaining, and tea bought December 28, 1782	144,000
By goods exported from England to China, in seasons 1780 and 1781, not arrived at the dates of the quick stocks	235,000
	These

not to make war with their allies in India? and that if this new engagement was entered into with the Mahrattas, it would

These are cargoes for actual sale, exclusive of stores civil and military for the use of the settlements, and are exclusive of the goods in the import warehouse in Bombay and Fort St. George, but not Bengal; some of the imports of 1781 being landed there; but of 1782, no ships were arrived in India when the last quick stocks were made up.

By goods for sale, exported in seasons 1780, 1781, and 1782, to Bengal, Fort St. George, and Bombay	505,000
By goods for sale, exported in season 1782, to China	104,000
By goods at Fort St. George, in the export warehouse, and advances made for goods for Europe, 31st August, 1782	59,000
These goods are exclusive of the Grosvenor's cargo, lost on the coast of Africa, invoiced at 65,000l.	
	8,982,000
	265,000

To this may be added the value of the house and warehouses, and vessels

These articles are very proper to be stated on a general liquidation, to shew the solvency of the Company, and what every merchant would do on a similar occasion; and indeed a proper judgment of the Company's situation cannot be formed by any who will take the trouble to examine, but from such a statement as takes in every substantial article that relates to the commerce of the Company, or the interest of their creditors.

By the estimated profit on salt for the Indian year 1189, or our year 1782, after deducting the advances, and what belongs to the revenues, the remainder is set at 45 lacks of current rupees, being within the amount expected to be realized on that article 500,000

This article belongs to the commerce in Bengal, and for its amount and stability gentlemen are referred to the Salt-office accounts, dated in Calcutta 25th March, 1783; and for a full explanation, to the plan for the provision of salt, for which, for the year 1782, 12 lacks were then advanced; and of the former year's salt, ten lacks and upwards remained unfold, and sold, but not then paid for, 235,000 rupees. The next produce, after deducting 18 lacks for cost and charges, had, at the above date, realized a profit of 36 lacks of Sicca rupees, for the salt of 1781, and with the amount unfold and unpaid, will produce, on the whole, a clear gain of 49 lacks of Sicca rupees, or 57 lacks of current rupees. This article of salt is not included in any of the heads of revenue, or in the statements of cash or other credits contained in No. III. except about seven lacks carried to the credit of the revenues.

The opium profit also belongs to the Company, about 50,000
By

would be to all purposes a new war, and consequently we might involve ourselves again with France, and revive war in

By the amount estimated to remain from the sale of the cargoes of 48 ships, after deducting the articles set off on the credit side of this account, towards the purchase of the goods — 3,840,000
 The additional bills of exchange, estimated to be drawn to complete the 48 cargoes, more than the several articles herein enumerated can supply, with the freights, customs, and charges, are carried to the debtor side, and explained fully in No. II.

Total of commercial credits	13,637,000
Amount of debts and demands out-standing against the Company, due, or liable to arise, in the liquidation of the Company's accounts	11,658,000

Balance in favour of the Company	1,979,000
To this balance is to be added the value of the stores in the different settlements convertible into cash, and, if sold, would fetch considerably above the sums they are valued at. These have been purchased in England from their trading property; many articles bought prior to the Duannee, and many since; say	900,000

By what the territorial revenues stand indebted to the trading property of the Company, for the attainment of the Duannee, and all the different territories in India; that is, the money which appears to have been expended in the acquiring them, beyond the annual commercial expence of the Company, as may be found in a statement published by order of the Proprietors, and afterwards proved in a Committee of the House of Commons 3,616,000
 See Journals of the House of Commons, 12th March, 1783.

The Company's balance, after bringing into the account all the above equitable demands	6,495,000
--	-----------

£5,069,000 The amount of the Company's military expences more than belonged to the protection of the commerce alone, and incurred by wars whereby the territories were obtained.
 1,453,000 Deduct what the Company have received from the territorial revenues realized in England, and which was applied in reduction of their bond debt.

£3,616,000

For the correctness and estimation of such sums as relate to the Accountant's Office,

SAMUEL NICOLL, Accountant.

No. II.

in every part of Europe? These were important considerations.

It

No. II.

The Debts of the East-India Company demandable in England.

	Dr.
To bonds bearing interest	£1,997,000
These consist of the old bond debt reduced since 1776 to a million and a half (which for 14 years, from 1763 to 1776, stood at near three millions) and the 500,000l. issued under the sanction of Parliament granted last session.	
To the Exchequer, for the last payment of 400,000l. on the agreement with Government, at the time of renewing the Company's exclusive trade for ten years	100,000
To Exchequer bills lent the Company at interest, and interest thereon	303,000
This was a temporary loan towards the one million and a half which the Company applied for last session, under the heavy burdens the war had brought on, from the detention of ships abroad, high freights, and the great expence incurred for military stores, the diet, passage, and out freight of King's and Company's troops and stores, as well naval as military.	
To customs on goods sold and unfold	1,641,000
This sum includes the customs due to Government postponed, also the customs that shall become due on the goods now in England.	
To bills of exchange, either accepted, presented, or advised	2,489,000
These bills have been drawn on various accounts as follows, and for payment at different periods:	
For general purposes from India and China	£1,240,000
For the investment loan	1,116,000
For the remittance loan	97,000
	2,453,000
To be paid of the above before the 1st	
March, 1784	£207,000
To the 1st March, 1785	1,146,000
To the 1st March, 1786	980,000
After the 1st March, 1786	119,000
	2,452,000
Old bills advised 34,000l.	
The average amount of bills and certificates, drawn from India and China, during ten years preceding, was 664,000l.	
To sundry debts due on different commercial accounts	459,000
	Total

It was said that this was an invasion of the chartered rights. Undoubtedly it was—but would gentlemen say that such infringements were not warrantable? Had they not been frequently infringed before? when the votes of the 500l. stock Proprietors were cut off—and in various other instances. Was this to be called an infringement of their

These consist of 304,000l. due for the freight of ships arrived; of 38,000l. for fundry warrants past; 81,000l. due to the Proprietors of Private Trade and Supra-Cargoes commission; 35,000l. due in the department of the Committee of Shipping, including the Poplar Alms-houses.

To interest on bonds and annuities up to Michaelmas	109,000
---	---------

Of these sums due for interest, some are of so long standing as not likely to be called for.

To dividends due on stock, from Midsummer	41,000
---	--------

To half a year's dividend, to become due to the Proprietors on their stock, at 8l. per cent. per annum, at Christmas	128,000
--	---------

To interest on contingent and military fund more than applied	
---	--

72,000l.

This sum properly belongs to Bengal, for though the Company pay in England the pensioners entitled in the fund, the principal lays in Bengal, at 8l. per cent. interest; therefore the surplus interest, until it is appropriated, cannot be chargeable on the Treasury at home.

To bonds outstanding, for which no interest is to be paid, 11,590l. these are not likely to be demanded, from being lost or mislaid	11,000
---	--------

To bills of exchange necessary to complete the China cargoes	320,000
--	---------

The freight of 48 ships, the advances deducted	1,680,000
--	-----------

The freights are most of them so high as 47l. per ton, owing to the enormous price of insurance, rated during the war from 35 to 50l. per cent. out and home; but the cause of so great a number being sent out, arose from the demand for outward tonnage, in consequence of the war in Europe, otherwise the number of ships sent out at such high freights would have been considerably less, to the amount of 20 ships at least. In peace, the price of freight would have been one-third lower, so that 600,000l. or upwards, which will now become due in 1785, would no part of it have been due till 1786 and 1787. If the ships had not gone out till this and the ensuing season, the savings from the reduced freight and demurrage, and the interest of money that will be due thereon, had been full 200,000l. whilst the bills of exchange that must now be drawn from China, towards completing the cargoes, would not have been granted till the season 1784 or 1785, and consequently a demand upon the Company would have been protracted to the amount of five or 600,000l. which in the present case will become due long before the cargoes are brought to sale.

Customs

their charters, so enormous and violent, when they had broken the conditions of the charter and agreement? Did the

Customs (piece goods, duty reduced)	—————	2,000,000
Charges on merchandize in England	—————	180,000
		—————
		11,658,000
To balance remaining, the debts demandable at home, all paid from the commercial property	—————	1,979,000
		—————
		13,637,000

It is to be observed, that, from the season of 1777, to the season of 1782 inclusive, the Company have paid for military and naval stores, for which they have received no return — 550,000

That they have provided for the exportation of the King's troops and stores, not less, in the six years, than 22,000 tons of shipping, which, to the protection of any other part of the empire, had been paid by the State, for the diet, passage of the troops, cost and freight of the stores, &c. belonging to the King, there has been paid by the Company — 282,000

Naval and military stores sent to India by the Company, in the six years, belonging to the King, 6,063 tons.

For raising the Company's troops, for gratuities; and fresh provisions for King's and Company's troops, including 1930 Hanoverians ————— 135,000

Of King's troops, including 1,930 Hanoverians, 10,485 men, and of Company's troops, 5,174 men.

For diet and passage of Company's troops ————— 98,000

For what paid by the Secret Committee for troops in Germany 43,000

The 1,930 Hanoverians were reported by the Committee the 21st February, 1783, to have cost the Company altogether 122,500l.

Paid by the Company, during the war, for articles that have no reference to commerce ————— 1,108,000

Of this sum, about 400,000l. would, doubtless, have been incurred in times of peace.

Besides these sums, the war freights of the ships that will become due in 1785, for the sole purpose of conveying the troops and stores of the Crown to India, will swell this account to upwards of a million, after every deduction. The King's troops will also have a claim on the revenues abroad of 40 or 50 lacks of rupees; and provisions for the fleet will be no inconsiderable amount. These circumstances are only mentioned, to shew the Company have some claim on the public for assistance; for, taking all these articles into the account, and the expences of passage home for the King's troops, and for victualling the fleet till its return, the Company will have disbursed, from

the House know, if this bill should be thrown out, which by the bye he did not believe it would, that the Treasury could

from the Treasuries in England and in India, little short of two millions, for charges that would otherwise have fallen on the nation at large.

To add to these difficulties and demands at home, the Company had to pay between September 1782 and September 1783, to the amount of 600,000*l.* for bills of exchange, drawn on them more than in any of the eight or ten preceding years on an average, whilst the detention of the ships on their outward passage, the necessity of employing them on their arrivals for the relief of Fort St. George, and to attend his Majesty's fleet with stores and provisions, prevented the return in time of the necessary quantity of goods to supply the sales of September 1782 and March 1783, to the amount of 900,000*l.* and upwards.

Under these embarrassments and untoward circumstances, all the Company requested of Parliament last session, was permission to extend their credit one million and a half by the circulation of bonds, which, in such case, would not have exceeded the extent of their bond-debt for 14 years and upwards preceding 1776. They likewise want some prolongation in the payment of the large amount of bills drawn upon them, in order to discharge the heavy freights that must arise from such a number of ships pouring upon them in one season, as are expected in 1784.

For the correctness and estimation of such sums as relate to the Accountant's Office,

SAMUEL NICOLL, Accountant.

For the correctness and estimation of such sums as relate to the Auditor's Office,
JOHN ANNIS, Auditor of Indian accounts.

No. III.

A STATEMENT *to shew the Company's Situation in the Year 1776, ending April 1777, at their different Settlements in India.*

To expences in Bengal, civil, military and fortifications	—	£1,350,00
To ditto at Fort St. George	—	£750,000
Deduct paid by Nabob	—	190,000

		560,000
To Bombay expences	—	360,000

These expences are authenticated by the records of the Company.

		8,270,000
The nett balance that remained from the year's revenues	—	1,770,000
		£4,040,000

By

could in a fortnight afterwards enter the premises of the East-India Company with an extent, and take legal possession of all that they were worth in the world?

But

By amount of nett revenues in Bengal for 1776	£2,500,000	
Benares tribute	290,000	
Oude subsidy	370,000	
	<hr/>	3,160,000
By the revenues of Fort St. George, nett	250,000	
The Circars	310,000	
	<hr/>	560,000
Tanjore subsidy		160,000
By the revenues of Bombay, &c. nett amount		160,000
The records of the Company shew how these revenues have been realized.		
The Benares tribute was a surrender from the Nabob of Oude, as appears by the treaty.		
The Oude subsidy is a reasonable equivalent for the brigade stationed at Caunpore, upon the banks of the Ganges, for the protection of the Nabob's possessions in the Doab, and to prevent any incursions into Oude, and our frontiers.		
	<hr/>	£4,040,000
	<hr/>	

A Statement of the Extra Expences incurred by the Wars that broke out in Europe and in India.

Extraordinary military, marine, and civil expences incurred on the Bengal establishment, May 1778 to April 1782, for the detachments in the Carnatic under General Coote, and in Indostan, against the Mahrattas	£6,400,000
Extra supplies furnished Fort St. George, from July 1780 to March 1782, by Lord Macartney's account. Bills on Europe, 325,000l. cash and provisions from Bengal, 433,000l. borrowed on bond, 244,000l. cash and bills sent from Bengal, as appears by the Bengal books, from March 1782, 600,000l. provisions and stores sent from Bengal from September 1782, to February 1783, 380,000l.	1,980,000
Supplies to Bombay, exclusive of the Bengal detachment, estimated at about	1,000,000
	<hr/>
	£9,480,000
	<hr/>

These are the extraordinary expences attending the troops marched into Indostan and the Carnatic, from Bengal, for the pro-

tection

But necessity was said to be the plea of tyranny—it was also the plea of freedom. The revolution, which established the

tection of Oude, Benares, Illahabad and Goud; the attacks made on Scindee by Goddard and Camac, to counteract Hyder, and preserve us from the united attempts of all those powers, and more particularly the French, by whose coming into India, to stir up and support Hyder, our calamities and expences in the Carnatic were greatly increased.

Debts incurred in India.

Bombay, by advices dated September 1782, owed on Bond — £1,870,000
Bombay. This bonded debt has been occasioned by the war with the Mahrattas, and to enable the settlement to maintain its establishment, which will now be reduced.

Fort St. George, March 31st, 1782, owed on bond — 410,000
Current debts ditto to agents and others, paymasters, &c. — 408,000

The debts at Fort St. George have been incurred to enable the Company to act against the French, as well as Hyder, and ought to be paid from the revenues of the Carnatic, so soon as the country recovers. The frontier parts to the northward are again in the Company's possession, and the British troops have penetrated into the southern districts of Hyder's successor. The Carnatic is nearly evacuated by the Myforeans; and the news of the peace must compel the French to withdraw their support and assistance from Tippoo Saib; so that a short time will restore the country in a considerable degree, as the Indian States have been found to recover soon after they cease to be oppressed.

Bengal owed on bond, February 1782 — 2,240,000

Due on deposits, &c. — 124,000

Sundry arrears to the army, not entered on quick stock — 380,000

Part appear to lie in bills, but for what specific purposes issued is uncertain, and not being brought on the quick stock, may be supposed accounted for elsewhere.

Owing to the Nizam for arrears of Pishcush — 285,000

Debts owing by the Company — £5,717,000

The revenues of Bengal will be able to provide for the bonded debt there in a very few years, under peace, and the great commercial advantages of that country; and afterwards assist in discharging the debts at Bombay. In the interim, the interest of all the debts will be fully provided for; these Indian debts must stand or fall with the country: therefore it becomes necessary to shew the means by which they are likely to be redeemed, lest any misapprehension with respect to these debts should affect the credit

the rights and liberties of these kingdoms, was undertaken and accomplished—nay was justified at the time, on the plea of

of the Company, which is so extensive, that such an impression at home, and on the continent, might tend to shake the credit of the nation at large.

Arrears owing to the Company, and Cash in Bengal Treasuries.

Fort St. George Quick Stock, dated 31st August, 1782.

Due on the Nabob's account current, 17 lacks of pagodas, or £680,000
These sums are due to the Company from the Nabob and Rajah, under the faith of subsisting engagements.

From the Tanjore Rajah, balance of his subsidy, pagodas 395,000
or 158,000

Nabob's arrears on his Jaghire, to 31st January 1782, Pagodas 720,000, or 285,000

Sundry arrears from renters, pagodas five lacks, or £200,000

Due at Masulipatam for Soucar bills and farms, 31st March 1782, pagodas 512,000, or 200,000

Arrears owing from the Circar renters, 20 lacks, or 800,000

These arrears are due from different renters, but only part of them is likely to be recovered.

Extra charges as stated by Lord Macartney for the Carnatic war, exclusive of the Bengal detachment, to the 31st July 1782, pagodas 24 lacks, or 960,000

This sum, as well as the 400,000l. for the Bengal troops, making together 1,360,000l. ought, in equity, to be paid by the Nabob, whenever his country recovers; provided the several charges are clearly made out to have been incurred for the protection of the Carnatic.

Extra expences chargeable hereafter on the Nabob of the Carnatic for the Bengal troops, the whole estimated at 900,000l. say — 400,000

Due from the Nabob of Oude, January 31, 1783 — 790,000

The Resident's letter, of the 2d of January, 1783, gives great reason to expect that the payment of this sum, which is due from the Nabob of Oude for arrears, and which he has agreed to pay, will in due time be effected. It is material to state, that the father of the present Nabob of Oude, by the assistance of the Company, was put in possession of additional districts to his original country, which he now enjoys, and must in time enable him to discharge the debt, without seeing new conquests. To those which have been obtained, the State has tacitly assented, and shared in the advantages.

of necessity. A necessity that superseded all law, and was the glorious means of giving liberty to England. On the present

Debts outstanding at Bengal, February 1783, in the general and revenue departments, certain to come	<u>447,000</u>
	£3,720,000
Cash in the Treasuries at Bengal, Feb. 28, 1783	<u>614,000</u>
	<u>£4,334,000</u>

A Statement, to shew the Savings from the Revenues of Bengal, Madras, and Bombay, as soon as the Detachments shall be returned within the Provinces, and the Establishments reduced to the Standards they were at before the War.

B E N G A L.

To charges civil and military, including interest on the bonded debt £1,600,000

This will amply provide for the peace establishment.

To the pay of commissioned officers on the reduction of the army 80,000

This goes to provide for the military officers on a reduction of the Sepoy establishments at the three Presidencies, to the number of 300 commissioned officers, Europeans, until vacancies happen, supposing the native troops to be disposed of in corps that may be deficient, or else to be reduced.

M A D R A S.

To the civil and military peace establishments, according to Lord Macartney's statement 700,000

B O M B A Y.

To the civil and military establishments reduced 240,000

Interest on bond debts at Madras and Bombay 200,000

3,000,000

To balance remaining for the reduction of debts, or assisting the creditors at home £1,260,000

This balance, admitting it to amount to only one million, appears to place the Company's creditors, the peace of India secured, on a better footing than any other public creditors in Europe; and in two or three years, when the military establishments are completely reduced, this balance will probably be 400,000 or 300,000l. increased.

£4,260,000

BENGAL.

present occasion, had it not been agreed on all hands, that some measure of regulation and reform was necessary with respect to India. Nay, had not a right honourable gentleman opposite to him, and his friends, been loud in calling out for a system, complete and well digested? Had they not said, no palliatives, no half measures! Let the learned gentleman opposite him (Mr. Dundas) say how any effectual reform in the conduct of the India Company's affairs could be made without touching their charter. Did the present bill offer more violence to it than the bill proposed last year? In what lay the difference? That bill aimed at lodging an absolute and despotic power of govern-

B E N G A L.

The nett amount of the revenues, exclusive of salt and opium £2,500,000
This is a standard the records will justify. By the estimate sent home for 1782-3, they are considerably higher.

Benares tribute	_____	_____	_____	300,000
The tribute and subsidy to these amounts will be realized without difficulty, or furnishing ground for the charge of oppression.				
Oude subsidy, temporary brigade withdrawn	_____	_____	_____	386,000

M A D R A S.

The nett revenues arising from the Jaghire, Poonamelle, and sundry small rents and duties at the Presidency, Masulipatam, &c. _____ £250,000

The revenues of Fort St. George and the Circars, are conformable to the Company's records.

Circars, Peshcush deducted	_____	_____	21,000	
			_____	560,000
Nabob's subsidy for ten battalions and garrison stores, &c.	_____	_____	_____	190,000

The Nabob's and Rajah's subsidies are reasonable compensations for protection and assistance.

Tanjore subsidy	_____	_____	_____	160,000
Bombay revenues estimated, Salsette and Subordinates included				170,000

£4,260,000

So far as relates to the respective sums in this account, the records will justify.

JOHN ANNIS, Auditor of Indian accounts.

Auditor's Office,
December 4, 1783.

Z z

ing

ing in India. This provided a controllable government; but it was a powerful government, and it was at home. To give power was generally considered as a dangerous delegation; but it became the more dangerous in proportion as it was lodged at a distance. A virtuous and a wise man might lose his principles and his understanding in India. Disease and luxury might co-operate to enervate; the sight of wealth within reach might win to rapacity, and the once-pure mind, weakened by climate and example, might be betrayed to corruption and plunder. The temptation was not so great in England. The Commissioners were to act at hand, and to be under the immediate eye of Parliament. Where, then, was the danger so loudly trumpeted forth to the world, and so industriously made the subject of popular clamour? But besides the objection to the Commissioners being named by Parliament, the great one was, the influence it was to give to the Crown. This he denied. No immediate influence was to be given, but the nomination of the seven Commissioners; the patronage of the East Indies had been in the hands of the Crown before; what great officer had been appointed, but by the advice and influence of Ministers? And ought they to have been otherwise? The only difference is, that before, the Court of Directors was a screen; and now they will themselves be responsible. He did not wish the Commissioners to be out of Parliament. He wished them to be like himself and his colleagues, constantly under the eye and attack of the House. Why order the new officers to give their reasons for what they did? This regulation was questioned as being idle. It was not so—it was the character of despotic Governments to be dark—of popular Governments to have publicity—and he averred that it was their beauty and basis—Our judicial tribunals were bound to give their reasons. He objected to the plan of Mr. Dundas, because he could not agree to give to a man, at the distance of half the globe, uncontrolled power—even here it was dangerous; but not so much so, because it would be watched. The valuable jealousies of the country would be awake, and Parliament would be ready to crush its irregular acts. Some measure was admitted on all hands to be necessary; if the present was disapproved, those who disapproved of it were bound to propose a better. Perhaps it would be argued, that the distress of the Company was solely owing to the burdens and pressure of an expensive

five war, and that what had arisen from a specific misfortune, ought not to be attributed to general misrule and mismanagement. In proof that this was not true, he would read a letter from a person in a high and responsible situation in India, in 1772. Mr. Fox then read an extract, which, in the language of conviction, attributed all the disasters in India, of that day, to a want of vigour in the principle of the system of its government, adopted and pursued by the Directors at home. The writer of the letter, Mr. Fox said, was not a favourite authority with him in all cases; but his position carried wisdom in it, and his argument was founded on sound policy. The other side of the House, at last, he hoped, would agree in this, when he informed them that the writer of the letter he had just read, was no other than Mr. Hastings himself. That the bill ought to pass, if it passed at all, with the utmost dispatch, a variety of reasons concurred to testify. The seeds of war were already sown in India; and a note left by Sir Eyre Coote, a man whose memory deserved every possible praise on account of his gallant actions, afforded alarming proof of it. The deceased leader of the troops in India had written to the Governor of Madras, that the expence and the burdens incurred by the Company in consequence of the late war, could only be recovered by a fresh war on Tippoo Saib. Let the House pause upon this;—let them reflect on the last Gazette, the dispatches, of which reached the India House, and filled the General Court with disappointment and dismay, in the very moment that an honourable gentleman, whose zealous ardour carried him generally too far, was loud in declaring that all was peace in India, and congratulating the Proprietors on the prosperous situation of their affairs. Let the House also learn from that Gazette, the pressing occasion for an immediate reform of the government of India. Let them see the cause of the disasters recorded in those direful dispatches—a quarrel among the officers on the common theme of quarrels in India, the division of the spoil, the disposal of the plunder taken from the natives! There were also additional causes to expect a war there, and to dread its communicating to the other quarters of the globe, if proper means to prevent it were not instantly resorted to. Mr. Fox dwelt upon this for some time, and shewed that we might suddenly find ourselves involved in a war with France, if due care was not taken to avert the mischief. He also painted, in glowing colours, the alarm-
ing

ing state of the civil government in India, in consequence of the dissensions between the different Presidencies; he declared he felt for Lord Macartney, for whom he had ever entertained the sincerest respect. That noble Lord had proved himself the most obedient to direction from home, the purest in principle, and the most zealous in conduct, for the national honour, of any Governor ever sent to India; but who could say that Lord Macartney had not been suspended, nay, who could say that he was not at this instant a prisoner, or that he had not shared the fate of Lord Pigot? He said farther, that he considered suffering the Company to borrow more money, as in fact lending them the security of Government for what they borrowed, and that before he proceeded that length, he held himself bound to take every possible means to make the safety of the public, and the prosperity of the Company, go hand in hand together. He knew that in doing so, he put his own situation, as a Minister, to the hazard; but where upon a great national ground he could establish a measure at once salutary and useful, likely to rescue the natives of India from oppression, and save the country from disgrace, he little cared how great the personal risques were that he was to encounter. He took notice of the India regulating bill, which however deficient in point of policy, it might be found, would not, he believed, be thought to be wanting in regard to numerous clauses, or shew that Ministers had not very fully applied themselves to the present situation of India. That bill, he said, in almost every one of its clauses, restrained and lessened the exercise of the power of those who were to act under the authority of the bill then before the House. The two bills ought therefore to be considered as it were together, the regulations of the one tending to correct and temperate the other. He now came to a conclusion, and said, that if he should fall in this, he should fall in a great and glorious cause, struggling not only for the Company, but for the British and India people; for many, many millions of souls. The separation of the sovereignty from the commerce, was a point which he thought essential, and it was partly provided for in the bill; but in that and many other provisions, he would be happy to be assisted by the wisdom of the House in a Committee, to which, therefore, he hoped they would go with him.

Lord Gall-
way.

Lord Gallway objected strongly to the bill, not only on account of its principle and tendency, but also, and chiefly,

an account of the very fallacious mode in which he had reversed the statement of the Company's property, in a paper which they had submitted to the inspection and attention of the House. He was therefore decidedly against the bill going into a Committee.

The right hon. *William Pitt* drew the attention of the House to the peculiar situation in which he found himself placed by the progress and present state of this question. He said from the commencement of it, he had by every exertion in his power, summoned the attention of the House, and of the country in general, to the importance and dangerous consequences of the measure now proposed. He had pledged himself to the House, and to the world at large, to point out the dreadful tendency of this bill on every thing dear and sacred to Englishmen; to prove its inimical influence on the constitution and liberties of this country; and to establish, by undeniable evidence, the false and pernicious principles on which it was founded. These particulars required time and deliberation, which the violent and indecent precipitancy of this business virtually proscribed. However, it was impossible to regard the very face of the bill, without feeling strong repugnance at its success. He desired the House to take notice, that the ground of necessity, upon which the bill had been originally declared to have been introduced, was now changed; that necessity no longer rested on the simple, clear, and obvious proposition, the bankruptcy of the East-India Company, but was that day placed on a still weaker foundation, but a foundation infinitely more fallacious, upon the temporary distress of the Company. Was that a fit plea to warrant the passing of a bill, which openly professed a daring violation of the chartered rights of the Company, and proceeded to an immediate confiscation of all their property? Ought the House to be satisfied with it, even if proved beyond the possibility of question? He trusted they would not; he trusted the House had too much regard for their own honour and dignity, too scrupulous an attention to justice, and too conscientious an adherence to their duty to their constituents, to support the Minister in one of the boldest, most unprecedented, most desperate and alarming attempts at the exercise of tyranny, that ever disgraced the annals of this or any other country. The right honourable gentleman, whose eloquence and whose abilities would lead a grace to deformity, had appealed to their passions, and pressed home to their hearts the distressed situation of the

Right Hon.
W. Pitt.

the unhappy natives of India. A situation which every man must deeply deplore, and anxiously wish to relieve; but ought the right honourable gentleman to proceed to the protection of the oppressed abroad, by enforcing the most unparalleled oppression at home? Was the relief to be administered in Asia, to be grounded on violence and injustice in Europe? Let the House turn their eyes to the very extraordinary manner in which the very extraordinary bill then under consideration, had been introduced. When the right honourable gentleman had opened it to the House on Tuesday se'nnight, he had urged the indispensable necessity of the measure as its only justification; and in order to carry that necessity to the conviction of the House, he had given such a state of the Company's affairs, as to convey to the ideas of almost every gentleman present that the Company were bankrupts to the amount of eight millions. [Mr. Fox shook his head.] Mr. Pitt said, he was ready to admit that the right honourable gentlemen had not expressly said so; but he should still contend, that the manner in which the right honourable gentleman had stated their affairs, had conveyed that idea. It had been entertained by most of those who heard the right honourable gentleman, it had been entertained by the public, and it had been entertained by the Company. The right honourable gentleman had himself confessed, he had made several omissions in his former state of the Company's affairs: omissions he certainly had made; omissions, gross, palpable, and prodigious. What was the consequence? the Company flatly deny the right honourable gentleman's statement. They prepare an account of the true state of their affairs; they produce it at the bar of the House; they establish its authenticity by the concurrent testimony of their Accountant and Auditor. What happens then? The right honourable gentleman declares it is incumbent on him to clear his own character, and that can only be done by refuting and falsifying the Company's statement of their affairs to the enormous amount of twelve millions. Arduous and difficult as this task was, the right honourable gentleman enters upon it with a degree of spirit peculiar to the boldness of his character. He acknowledges that the Company's paper must be deprived of its credit some how or other; and he proceeds in a most extraordinary manner to effect a purpose he had just told you was so necessary to himself. The right honourable gentleman had run through the account with a volubility that rendered comprehension difficult,

cult, and detection almost impossible. Mr. Pitt then said, he had attempted to follow Mr. Fox through his commentary; and though it was impossible upon first hearing such a variety of assertions, to investigate the truth of all of them, and completely refute their fallacy, he would undertake to shew that the right honourable gentleman had unfairly reasoned upon some of the articles, grossly misrepresented others, and wholly passed by considerations material to be adverted to, in order to ascertain what was the true state of the Company's affairs. He then entered into a revision of the credit side of the Company's statement, and endeavoured to overturn Mr. Fox's objections to some of the articles, and to defeat the force of his observations upon others. He justified the Company's giving themselves credit for 4,200,000*l.* as the debt from Government, on the ground that as they had advanced the full principal of the sum to Government, they had a right to give themselves credit for the whole of it; and the more especially, as on the other side they made themselves debtors for 2,992,440*l.* borrowed, to enable them to make the loan to Government of 4,200,000*l.* The money due for subsistence of prisoners in a former war, for the expences of the expedition against Manilla, and for hospital expences, he also reasoned upon, to shew that the Company were not to blame for inserting them on the credit side of their account. The right honourable gentleman, he said, had such a happy talent of rendering even the driest subject lively, that his pleasant allusion to the charge of one halfpenny for bread in Falstaff's tavern bill, when he came to take notice of the 1000*l.* amount of silver remaining in the Treasury of the East-India Company, had so far caught his fancy, that it was not till a minute or two afterwards that he glanced his eye a little higher in the same page of the Company's account, and saw an entry of money to the amount of 142,704*l.* Mr. Pitt dwelt upon this for some time, and went into a discussion of the observations of Mr. Fox upon the entry of 280,575*l.* for bonds, which he strenuously maintained the Company had a right to give themselves credit for. He also entered into a long argument respecting the sums credited for freights paid, defending them from Mr. Fox's objections. He likewise defended the entry of 253,616*l.* as the value of the Company's houses and buildings in London, declaring, that as the Company understood themselves to stand charged with bankruptcy, they felt it necessary to state the value of the whole of their assets in the schedule of the particulars of

their estate. He reasoned for some time on the assertions of Mr. Fox upon the prime cost of four cargoes on their passage from Bengal, and said, notwithstanding the arguments of the honourable gentleman, that when the freight and duties were paid, there would be a loss rather than a profit on the investment; he believed the reverse would be the fact; for he generally understood, that when an investment was made in India, the prime cost was at least doubled in the price the cargoes fetched in England. He opposed Mr. Fox's observations on the different entries under the head of Quick Stock, at the various presidencies of Bengal, Madras, and Bombay, and at Bencoolen and in China, contradicting many of them, and upholding the Company in their statement. He declared he did not know what the right honourable gentleman alluded to relative to the private debt incurred by the Madras presidency. With regard to the debts due from the Nabob Asoph ul Dowla, and the Nabob of Arcot, he said, the honourable gentleman had taken advantage of those facts to display his oratory, that the House was lost in a blaze of eloquence, and so dazzled with the lustre and brilliancy of the right honourable gentleman's talents, that they were deprived of the exercise of their sober reason, and rendered incompetent to weigh the propriety of the Company's making any mention of debts, some of which they expressly declared would be lingering in their payment, and others they acknowledged to be precarious. After going through the whole of the observations and objections of Mr. Fox, and contending that the right honourable gentleman had uniformly declined any sort of discrimination as to the different periods of time that the Company's debts would come upon them, but had argued as if the whole were due at the present moment. Mr. Pitt said, the last matter urged against the Company, viz. their capital, was, to his mind, the most extraordinary of any thing he had ever met with. He had often heard, when traders were bankrupts, or when it became necessary that their affairs should be vested in the hands of trustees, that it was incumbent on them to discover the whole amount of their debts to others; but he never before knew, that it was either incumbent on them to state, or necessary for the creditors to know, how much they owed themselves. Having put this very strongly, Mr. Pitt denied that there was any deficiency whatever in their capital, contending, on the other hand, that the Company, though distressed, were by no means insolvent, and that they ought

to be allowed an opportunity of proving the whole of the statement of their affairs at the bar of the House. The right honourable Secretary had accused the temerity of the Company in bringing before this House the accounts of the Company in a state exceedingly fallacious. He had asked what indignation and censure was due to the individual who dared to have thus trifled with truth, with decency, and with the dignity of the House? What then shall be said of a Minister, who ventures to rise up in his place, and impose on the House a statement every way absurd and erroneous? On these and many other accounts, the honourable gentleman was clearly for deferring the debate. This position he argued very elaborately, and said, as it was perfectly reasonable to allow the House time to enquire into, and examine the truth of the papers then on the table, the fallshood of which ought not to be taken for granted upon the bare assertions of the Secretary of State, so introduced and made as they had been, he should hope there could be no objection to adjourning the debate for a single day, and should therefore reserve his sentiments upon the principle of the bill for the present, and move "that the debate be adjourned till to-morrow (Friday) morning."

Mr. Fox replied to Mr. Pitt, and stated, that he had not Mr. Fox. objected to the Company's claim of cash, including their bonds, but had only observed upon it. With regard to the secret debt of the Madras government, he said, he had alluded to a large debt incurred, which that government had been allowed to draw bills for by the last Board of Treasury. In reply to what Mr. Pitt had said on the subject of the Company's not being accountable for their capital, he observed, that their capital belonged to the Proprietors, and Government was as much bound to look to their security, as to that of the public at large in regard to revenue, duties, &c.

Lord North entered with great readiness and spirit into Ld. North the reasoning of the right honourable gentleman who spoke before him. He went over the several articles. To the objections made by Mr. Fox, he added others; and contended, on the whole, that there was not the least necessity for an adjournment. His Lordship said he had been twenty years in Parliament, and had always heard it asserted by every one who knew ought of the business, that a society of gentlemen, united merely on commercial principles, were not equal to the government of such a territory as India. He directed his speech to two points, the refutation of Mr.

Pitt's argument against the bill, and against Mr. Fox's observations and objections, as urged with respect to the East-India Company's state of their affairs, and to the rescuing the bill itself from the obloquy with which it had been loaded. The right honourable gentleman who spoke last, his Lordship observed, had called the bill an unprecedented attempt to establish a violation of the chartered rights of the Company, and an immediate confiscation of their property; this charge was a weighty one, but it was not true. That the bill infringed upon the charter of the East India Company, was undoubtedly the case; but was the bill, as far as it was considered in that view, unprecedented? No such thing. The bill in 1773, brought in by himself, which restrained the exercise of election, and deprived the 500l. stockholders of their votes, was an infringement of the Company's charter; the bill giving Government the power of appointment to offices in India, in some instances, and the Parliament a power of nomination in others, was equally an infringement of the charter. The bill brought in last session by a learned gentleman, who had been Chairman of the Secret Committee, proposed a regulation, clearly founded on a violation of the Company's charter; in saying this, he meant not to insinuate that there was any blame due to that learned gentleman. The necessity of the case rendered it impossible to attempt any regulation, at all likely to prove effectual, without violating the Company's charter. He therefore, for one, made no scruple to admit, that the bills he had proposed, trenched on the Company's chartered rights; they certainly did so; and if there was any guilt in having been the Minister who proposed such a measure, he desired to be ranked with the other criminals. But while gentlemen were prone to accuse upon this ground, let them examine the nature of the case a little, and see how a violation of the charter could be avoided. The constitution of the Company, as it stood at present, was admitted to be absurd, and most inadequate. The Court of Directors were the nominal Ministers of the Company, they gave orders to the Company's servants in India; the Company's servants in India disobeyed those orders, and having an influence upon the Court of Proprietors at home, the Court of Proprietors over-ruled the Court of Directors. This was, his Lordship observed, a perfect mathematical figure, but it was very far from a perfect political one. The House had heard that the Directors wrote fine letters; this certainly

certainly did them great credit; but, from the circumstances above mentioned, nothing was ever done in consequence, and all the important business of the Company ended where it began,—in a fine letter. It was admitted on all hands, that something was necessary to be done; but the honourable gentleman had said the necessity was not made out, and the Company had not been proved to be bankrupts: his honourable colleague had not charged the Company with being bankrupts, but he would venture to say, that had private and individual traders done as much as the Company had done in many instances, they would have committed acts of bankruptcy. The Company owed money which they could not pay. The Company were liable to many demands, which they were unable to answer; and they avowed their distress to be such, that without relief from Government, they could not go on. The honourable gentleman, his Lordship observed, was a great master of words. He admired the power of vocables, which always distinguished his oratory. Words too of his using had certainly, and in a very extraordinary degree, changed their meaning since he was young, and much more conversant with that verbal science than now: but surely the word confiscation was not by any means applicable to the present case. In what single instance was the property of the Company invaded? Nothing of this kind appeared at least in the bill, which only went to demolish their political, not by any means their real consequence. Confiscation meant the seizing upon property, with a design to appropriate it to the use of other than the right owners. Was this the case? Did the bill say a syllable about lowering the dividend, breaking in upon the exclusive trade of the Company, or taking away any of their commercial advantages? Where was the confiscation then? That a regulation was necessary every body allowed; and would it be contended, that the powers exercised under a constitution, proved by experience to be inadequate to the government of our territorial acquisitions, and the management of our territorial revenues in India, ought to be entrusted, under a new constitution, in the same hands, which had proved incapable of directing them with effect for so many years together? A new system was absolutely necessary, and necessary immediately. Either that proposed in the bill ought to be adopted, or those who objected against it, ought to propose a wiser. Having thus generally spoken to the general subject of the bill, his

Lordship

Lordship entered upon an examination of Mr. Pitt's remarks on Mr. Fox's observations and objections, controverting and refuting several, and clearly shewing, from the nature of each, that another day would throw no new light upon the question upon which the bill ought to rest. His Lordship explained such of the entries in the Company's state of their affairs as had come under his cognizance while at the head of the Treasury, particularly mentioning their claim on account of the expences of the expedition to Manilla, which he said had been fully considered by the Board of Treasury, who had long since declared they had paid as much as they thought the public ought to pay on that score. The Hospital expences he stated also to stand exactly on a similar footing. He then went through the other articles, and spoke of the debts due from the Nabob Asoph ul Dowla, and the Nabob of Arcot, pretty much at large. He shewed, that the poverty of the latter was not to be ascribed to the distress occasioned by an expensive and calamitous war, Hyder Ally having never invaded that part of the Carnatic, and the country having been solely in the possession of the British, though the face of it had, he believed, all the appearance of having been ravaged and destroyed by an enemy. His Lordship also said something about the Northern Circars, which we did not rightly understand. After being very copious in reply to Mr. Pitt, after urging the necessity that some measure with regard to India should be adopted immediately, reminding the House that his Majesty's speech from the throne at the commencement of the last session, called upon them to turn their attention to the affairs of India as soon as they possibly could, repeating his argument, that the present bill was not oppressive, denying that it gave more influence to the Crown or the Ministers, and shewing clearly, that the other stages of parliamentary progression, through which the bill must pass, would afford so much time for investigation and discussion, that there could be no reasonable plea advanced to prove the propriety of the present motion for an adjournment; his Lordship concluded with declaring, that he should vote against the question moved by the right honourable gentleman, and should be for the bill's going to a Committee.

Commod.
Johnstone.

Commodore Johnstone replied to Lord North and Mr. Fox. He observed, that the noble Lord's speech was full of absurdities and contradictions. He pledged himself to prove the account, on which Mr. Fox had so freely remarked,

ed,

ed, and he particularly noticed, what he termed, the art of the right honourable gentleman, who by confounding dates and places, had attempted to mislead the House. He averred, that the debt of the Nabob of Oude would be paid, without the practice of any severities, which the right honourable gentleman had so pathetically described. He appealed to General Smith, to prove the populousness and the extent of Oude; the honourable gentleman, he said, knew Oude and the late Vizier, from whom he had received some civilities, perfectly well. He contended, that it was not from the *ex parte* evidence of the Select Committee, or from an artful misstatement of facts, that the Company should be punished by the forfeiture of its charter, but by specific charges, to which specific answers might be given. He denied that the Company were in any thing like a state of bankruptcy. They were under circumstances of temporary distress, he acknowledged, but their affairs were promising, and their credit good. The right honourable Secretary had said, that as they stood indebted to Government for duties, and were in need of assistance, Government was justified in seizing upon the Company's charter, to secure the public revenue. This was a most unjust argument. The Company had sufficient credit to raise much more than they now wanted, without the aid of Government, but their hands were tied by an act of Parliament. Thus Government first created a disability, and now meant to take a most unhandsome advantage of it. In the conclusion of his speech the Governor declared, that as a Proprietor, he would resist, to the last moment, the fallacious and unjustifiable proceeding now going forward, and that he would sooner lose every shilling of stock he possessed, than consent to preserve it, by supporting a bill, which must effectually destroy the British constitution.

The Marquis of *Graham* said, that if the present bill The Marq.
of Graham. passed, there would be little, or rather no occasion, for him to enter the doors of that House again; he rose, therefore, perhaps for the last time, to speak his sentiments beneath that roof. The Marquis then arraigned the bill in terms of the greatest acrimony; and after observing upon the argument, that Ministers meant to violate the chartered rights of the Company, with a view to prop and support its credit, he said, such means of assisting the distressed were cruel mercies, and more afflicting and injurious than the distress they professed to relieve. He did Mr. Fox ample justice

justice on the power of his oratory, and declared, that whatever notions he might have conceived, whatever opinions he might have formed, upon any measure depending in Parliament, previous to his coming down to the House; while he was there, if the right honourable gentleman chose to recommend the measure, he found himself amused, and pleased with his reasoning, nay, almost satisfied and convinced; but when he took time to pause, to recur to the cool and temperate opinions, he had originally formed upon the subject, his reason returned, there was an end of the delusion, and his sober judgment taught him the wide difference between powerful deception and rational conviction. The Marquis painted the junction of the two Secretaries of State as an unpardonable violation of political character, sufficient to excite and justify an eternal want of confidence. In such hands, a bill like the present was, he said, most alarming, since it gave the Minister a degree of influence new to the constitution, and dangerous in the extreme. He plainly saw that this influence had already produced some effect within those walls; and if the bill passed, there would not only be an end of the rights and privileges of the East-India Company, but an end of all rights held on the sanction of parliamentary faith, and an end even of the independence of Parliament itself.

General
Smith.

General *Smith* replied to Governor Johnstone as soon as the Marquis of Graham sat down, and having satisfactorily explained the insinuation of the Governor, relative to his having received civilities from the Vizier of Oude, he went into a description of the finances of the Nabob, Asoph ul Dowla. He also stated the accounts of the situation of our affairs at Bombay and Madras, according to the last letters he had received from India, which tended to prove the necessity of an immediate regulation and reform.

Sir Richard
Hill.

Sir *Richard Hill* began with declaring it was a fixt principle in optics that all objects struck the eye of the beholder, differently according to the medium or light through which they were viewed. This maxim was fully verified by an experiment made in April last, by only moving the right honourable Secretary from the side of the House on which Sir Richard stood, to the other. Placed where he now was, he viewed the bill in his hand as calculated to "remedy all those alarming disorders which have long prevailed, and still continue in the management of the territorial possessions, revenues,

revenues, and commerce of these kingdoms in the East Indies," &c.

But had such a bill been brought in by Administration when the right honourable gentleman sat on the other side of the House, it would have appeared to him in very different colours indeed. He doubted not but the right honourable gentleman would have viewed it again and again through two glasses which he constantly carried about with him. He meant his magnifying glass, and his multiplying glass.

In the former, his magnifying glass, it would have appeared big with the most alarming danger of increasing Crown influence, and of extending ministerial power, which things were always considered as the Buggyboos and Raw-head and bloody bones, with which the right honourable Secretary used to terrify his present *cara sposa* before those two persons were joined together in holy matrimony.

But he meant not here to speak against the coalition; or to say any thing personal, as he hoped his Majesty's present Ministers would propose such measures as he should be able to coalesce with.

In the latter (his multiplying glass) all the evils which the bill now tended to prevent, with 20,000 more of rapine, injustice, cruelty, violation of rights and charters, weakening of parliamentary faith, &c. would all have danced before his eyes at once.

Now, Sir Richard asked, what was the cause of that difference, since the man viewing, and the object viewed, were identically the same? It was plainly owing to some strong rays of a side light that darted from the East, and perhaps a little horizontally from the North, upon the pupil of the right honourable Secretary's eye, so that without having recourse to the solutions of a Newton, a Priestly, or a Franklin, they might affirm that it was certainly that same North-East light which had such a powerful effect upon the seeing (or to speak more philosophically) on the visive faculties of the right honourable Secretary. But, he said, that the right honourable framer of the bill was never without either of the glasses he had mentioned; though, as he observed, things appeared very different to him, according to the medium through which he looked, and whether the particles of matter of which he was composed were placed on that side of the House or the other.

Seated on that illustrious bench, on which the sun always shone, when he viewed the bill through his magnifying glass,

in the first place, it much aggrandized himself, and all his influence as a Minister of State, insomuch that he looked as if he really could carry the India House on his back, as a print just published humourously represented him to be doing.

Secondly, it aggrandized the seven Commissioners, or holy emperors, and their eight Assistant Directors.

Thirdly, it aggrandized needy adherents, and raised them from Lilliputians to Brobdignagians and Patagonians.

As to the right honourable gentleman's multiplying glass, as he at present held it up to look at the bill, in the first place, it greatly multiplied friends and jobbers, who would stick to him at every pinch.---Over shoes, over boots. Secondly, it multiplied all his various interests, all his connections, all his powers, not only at home in this country, but by sea and land, and all over the globe. But when he said, that it multiplied all his powers, he must except his intellectual powers and the powers of his eloquence, as he really thought these could not be magnified or multiplied.

Thirdly, which was by far the best of all its multiplying powers, it multiplied the rupees and the guineas, if not to the nation, yet to the happy favourites who were to taste the sweets of the bill for five whole years to come.

And now leaving optics, Sir Richard Hill said, he would make an easy transition (at least he would make a transition, whether an easy one or not) from allegory to the bill itself, the particular parts and clauses of which he should leave to be discussed by those who were much more equal to so great a work than he was.

He should therefore only observe, with regard to the principle and spirit of the bill in general, that they appeared to him so exceedingly opposite to the whole genius of the constitution, and to those benign laws by which it was supported, that the Directors were hardly allowed the privileges which in courts of judicature were granted to felons; for in cases of felony, seizure and confiscation never took place till after conviction; whereas, in the present instance, the parties were not even accused of any specific crime.

But should the bill pass the House, (the House he hoped would pardon the supposition) it must afford much satisfaction indeed to those who were nearly interested in it, especially to the body of petitioning Directors that they had a powerful friend in the other House to plead their cause, and to support their rights; he meant the noble pro-
testing

testifying Duke at the head of the Treasury Board, who, when the East-India regulating bill was brought in, just ten years ago, (which bill did not go near so far as the present) testified his hearty dissent from it in the following strong terms :

1. " Because it was not only an high and dangerous violation of the yet unquestioned charter of the Company, but a total subversion of all the principles of the law, and constitution of this country.

2. " Because the election of executive officers in Parliament is plainly unconstitutional, productive of intrigue and faction, and calculated for extending a corrupt influence in the Crown. It frees Ministers from responsibility, whilst it leaves them all the effect of patronage."

Thus protested the noble Duke ; and Sir Richard doubted not but he would be as steady in his principles till death, as the much-lamented Marquis, who joined with him in the protest.

He remembered that the right honourable Secretary asserted, when this bill was read the first time, that charges of peculation were withheld, because money was sent over to the Directors, which stopped their mouths, and prevented their complaints. He doubted not but the right honourable gentleman himself felt what he said, when he asserted this, and that the same right honourable gentleman knew full well that money had, indeed, a wonderful power of stopping mouths, and of changing mens' language, (and even their connections) yea, that it out-did what the poet said of music, that it had

—— charms to sooth the savage breast,
To soften rocks, or bend the knotted oak.

but how far it had been done in the case before them, remained yet to be proved.

Before he sat down he must observe, that it ought to have much weight, that the first commercial city in the world had expressed a disapprobation of this bill, by determining in Common Council to petition the House against it. And he must add, that he was happy to see so full an attendance upon a question of such vast consequence, and that notwithstanding the right honourable Secretary most unhand-
somely, in his opinion, refused to put off the second reading of the bill till the day of the call ; though by way of apology for that refusal, an honourable friend of his, and a great ornament to his profession, asked, in his maiden speech, how it was possible for the gentlemen who were to be sum-

moned to attend the call, to make themselves masters of this important business whilst they were coming up post upon the road? Sir Richard Hill said, he wished always to learn wisdom from the arguments of his honourable friend, as every body must who attended to him. He would beg to ask in return, what profound knowledge of this bill were those gentlemen likely to enter the House with, who had been roused out of their beds at one, two, or three o'clock in the morning, by the arrival of ministerial messengers, with mandates to mount them up to town with the celerity of air balloons, in order that they might be in time enough for the division that evening? What was to inform and determine the judgment of those gentlemen on that arduous occasion? Why they were to look at the Treasury Bench, to cast their eyes round the House to see who said aye and who said no, who went out and who staid in, and upon those merits were to depend the annihilation of an ancient charter, the characters of many respectable individuals, and the seizure of goods and property. In short, the fate of Cæsar and of Rome.

Mr. Jen-
kinson.

Mr. *Jenkinson* stated what had been the conduct of the House when the regulating bill passed, reminding them, that the state of the Company's affairs was then referred to a Committee of Enquiry, and that he had been the Chairman of the Committee. He pressed for the adjournment, and reprobated the bill.

Mr. Boottle.

Mr. *Boottle* declared, he wished it to be explored, whether the Court of Directors' statement of the Company, or that given by the Secretary of State, was the true one, before the bill was committed. Mr. Boottle said, he had 4000*l.* India stock, but he had rather let it all go to the ground, than assent to such a bill as that before the House, unless he was convinced that it was absolutely necessary.

Mr. Mans-
field.

Mr. *Mansfield* in a very able speech, defended the bill, rescued it from the calumny thrown upon it, and laboured to prove that it did not deserve the construction put upon it by Mr. Jenkinson.

Mr. Gren-
ville.

Mr. *Grenville*, in correct and animated language, supported Mr. Pitt's motion for adjournment, and urged with great earnestness the indecency of sending the bill to a Committee so precipitately, when only a single day's postponement was desired.

Lord Mait-
land.

Lord *Maitland* in a strain of honest warmth, supported the bill, and justified it on every principle upon which it had

had been attacked. He declared it drew influence from its lurking place, and set it in full view of the House of Commons; so situated, his Lordship said, it was not to be feared; it was therefore puerile to pretend an alarm where there was not the least cause for any. His Lordship declared his thorough confidence in his friend Mr. Fox, and charged the opponents of the bill with having shifted their ground since the first day of the session, when they called out so vehemently for a system.

Mr. *Hussey* very candidly said, if the division went upon the question of the commitment, he would divide for the commitment, because he thought that bill, or some bill, immediately necessary. He also said, if the adjournment was really desired, only to obtain more information, he would vote for it; but if it was merely for the purpose of delay, he should oppose it. Mr. *Hussey* stated two points in regard to Mr. Fox's observations and objections, in which he differed from that gentleman. Mr. Hussey.

Mr. Fox explained himself upon both.

Hon. *T. Erskine* began with observing, that if the House were to adjourn its deliberations till those gentlemen informed themselves, who seemed to set all information at defiance, there was an end of all prospect of decision. On the day the bill was first proposed by the right honourable Secretary, the honourable gentleman, who had moved on that day for an adjournment for farther consideration, had boldly pronounced it to be infamous in principle, and ruinous in policy, and that it did not deserve one moment's reflection, desiring however, at the same time a week to reflect upon it. But even that contradiction, gross as it must appear, was nothing to the proposition of that day; for the honourable gentleman, after once more declaiming against the bill as radically defective in all its principles, and pronouncing upon the impossibility of its being endured for a moment by the House, yet begged that it might not be trusted to its determination, and asked one day to examine into the comments made by Mr. Fox upon the Company's accounts, as being absolutely necessary to guide their determination, though he had said, not a moment before, that the Company's solvency, or insolvency, had nothing to do with the question, as no state that could be imagined would cure the objections he found to the injustice and impolicy of the proceeding. Hon. T. Erskine

Would the honourable gentleman stand up and declare, that if he (Mr. *Erskine*) should throw him his pencil across the

the table, and say, blot out those figures that are to be found in the account, and insert any others you think fit, that there was any possible state of the Company's affairs which he could form out of figures that would bring him round to vote for the bill: would he say so as a man of honour? And if not, was it not a most palpable self-evident plan of procrastination, to desire time to know whether those observations on the accounts were true, which, whether true or false, he could not pretend to say, would change any one of his ruling sentiments on the subject: that such conduct, however, could not but deprive them of one vote; for that an honourable gentleman (Mr. Hufley) had a little before declared, he should approve of the adjournment, unless he could be convinced that it was a mere scheme of delay; and that as he knew that gentleman's mind too well, not to be certain that such absurdity and contradiction would shock and disgust him, he would venture to count upon him, as staying in the House on the decision upon his promise, that his vote was to depend upon his belief of what no man of his sense could disbelieve.

Mr. Erskine said, that the whole plan of moving the adjournment was first to declaim themselves against the bill, and then to move a new question, to prevent the supporters of the bill from defending its principle, and vindicating its necessity; that it might go forth into the world, that those who supported Ministers, had no reason but corruption to give for their conduct: thus the bill was to be cried down within the House by unmeaning and intemperate declamation, and without it, by prints and hand-bills; but he thought it a duty he owed to himself and to the public, whose voice he respected, not to be so held back from giving his reasons for thinking the bill just in its principle, and wise in all its objects; that whatever gentlemen might think fit to admit that day, he might appeal to all who heard him, that both sides of the House had over and over again agreed, that the affairs of the East Indies had been for a long time conducted in a manner ruinous to the interests, and disgraceful to the character of the nation, and that all our calamities there had arisen from the defect of a due control over the governments of India, from the want of a government here sufficiently stable and important; the East-India Company being originally erected into a corporation for the purposes of commerce, and not for political sovereignty: that this accounted for those relaxations in their orders, which had produced oppression, plunder,

plunder, depopulation, and famine. That when such ruinous defects were universally felt in the system that existed at present, the House ought to listen with the greatest temper to the proposition of another; if it was defective, it might be corrected: but that in discussing the principle, it was not enough to find fault with it without being able to substitute a better, since both sides agreed that some new system was absolutely necessary. As to the right of adopting the new system, when the necessity of abolishing the old was admitted, he went much farther than was necessary for the support of the bill, which proceeded principally upon the abuse of authority by the Court of Proprietors; whereas he always thought the very existence of such a body, for the purpose of governing so immensely-important an empire by a ballot of men and women, and foreigners, enemies to our prosperity, was impolitic and absurd.

That while the East-India Company continued a body merely commercial, it was very fit that they should appoint their own factors to regulate their trade, and their military officers, who protect it; but that no analogy to that state remained now, since, by the advancement of commerce, and the accession of territories vesting in the state, private trade had become inseparably connected with public credit and public government. In such a condition of things, was it fit that private subjects should rule over the territories of the state without being under its controlling powers, and by mismanagement, not only to risk the loss of them, but to throw the whole empire into war? If the sovereignty over the East Indies belonged to the Crown and the nation, which no man could deny, since it was expressly excepted out of every charter and act of Parliament given to the Company; it was impossible to say that it was tyranny or injustice in Parliament to exercise that sovereignty at the call of a strong necessity. That a charter being a grant of powers and privileges to individuals, for the benefit of the public, it was liable in its very nature to revocation when its continuation became detrimental, either from misuses or a change in circumstances not foreseen at the time of its institution; and that those who, admitting the necessity, opposed the bill on the foundation of the Company's charter being inviolable, fell into the same absurdities and contradictions that marked and distinguished their whole conduct.

The honourable gentleman had called for a new system; no palliatives or emollients; yet when the new system came forth,

forth, he condemned it, because the Company's chartered rights were not to be touched: he would be glad to know how it was possible to adopt a new system, by parliamentary authority, without striking at those charters which entitled the Company to continue the old one. Gentlemen were fond of mixing the private injustice with public impolicy, to prevent that contradiction from being felt: but he would first force them to admit the right of altering the charter, if necessity and policy justified it, and then proceed to shew that there was in the instance this justification: they had, indeed, already admitted the right, by calling for a new system, which could not be adopted without that violation of the Company's charter which they complained of: if on the one hand, their argument, that they were inviolable, was just, there could be no sort of alteration at all, and the new system which they called for was gone, right being equally sacred in all its degrees: if on the other, they could be justly altered in one degree upon one necessity, they might in another upon another necessity; which brought the whole to a question of policy, and put an end to the declamation concerning the infringement of the right.

The honourable gentleman who spoke of the novelty of this daring proceeding, had certainly never read the other acts, by which the Company's charters had been altered to a great extent: he had protested, in the name of the Company, against several of them as Counsel at the bar without any effect. The Regulating act, in 1773, gave to parliamentary Commissioners the whole military and civil government of India, unfortunately giving it to persons abroad, without a due control at home, which inverted the order of Government and subordination: he did not, however, blame the noble Lord who was then Minister for that arrangement, since the affairs of the East might not then have justified what they did now, and the minds of men might not have been prepared to support the change.

He then stated the different acts by which the dividends of the East-India Company had been restrained, to shew that Parliament had even gone farther than by the present bill; as these acts affected the property of individuals by restraining the dividends. whereas the present only put them under a public trust. This was not a bill of penalties or confiscation, but calculated to improve and secure the territorial revenues and commerce of the East, to those who were entitled to an immediate personal benefit from them, only securing,

curing it to them in a manner more consistent with the general interests of the public.

Great clamours had been raised against the clause which authorised the new Commissioners to seize on the books, money, and boxes of the Company, which had been compared to the impudence of a robber, who should break into a man's house, and call himself his trustee, but he had not such a despicable opinion of his audience, as to think it necessary to distinguish the unauthorized act of one individual towards another, for his own private purposes, to the superintending care of public Councils, in a case where it could not be asserted that one farthing of private property was intended to be divested; for the dividends were still to be regulated by Parliament, as they had been before, by the acts he had alluded to. That setting aside all these abstract principles, there was good ground for the bill on the score of misfe: for that, Mr. Fox had truly said, they had abdicated the Government over the East. To prove this, he stated the proceedings of the Select Committee, which sat for months, examining witnesses and records, on whose report the House had resolved to recall Mr. Hastings; the similar resolutions afterwards by the Directors on the same evidence, and not on the authority of the resolution; the vote of the Proprietors defeating the operation of both, in the sudden tumult of a ballot, without looking at a record, or asking a question; and the thanks voted without evidence in the same tumultuous manner to Mr. Hastings, on the arrival of his letter, setting the Directors at defiance. He said, that the Proprietors who voted these thanks under all these circumstances, even if Mr. Hastings had had all the merit they imputed to him, without evidence, abdicated their own Government over the East Indies, and gave up, at the same time, the sovereignty of Parliament over it, which left it no alternative between the destruction of the Proprietors' authority, and the surrender of its own.

He then proceeded to consider the policy of the new system. It had been said to be a bill introduced by Ministers, for their own private purposes, rather than for the objects of Government. A bold assertion, when the regulations of the other bill were attended to, which so far from leaving to Ministers or their substitutes, the uncontrolled direction, marked out their duty in the most specific terms.

He said, he should not then discuss them, as being proper for the Committee, but that they contained, upon the

whole, a body of reform equally important to the interest and character of the nation. That the powers were given to the Commissioners during good behaviour, subject only to removal on the address of both Houses, to give stability to Government, the want of which had been ruinous, and which could not be obtained in any other way while the present state of parties in England continued. As to the influence of the Crown, he thought it was the duty of every member of Parliament to attend to its advances, but that it was too much to say, that the most important trusts of Government were to be left to private men, and to women, and foreigners, for fear the Legislature should pervert the powers that ever follow Government, to the ruin of the constitution. Was there to be no Government, because it was subject to abuses? and were we not to choose the least of evils, because we could not attain perfection: that there was a sufficient strength in the House to punish an abuse of the powers given by the bill, and that it was dishonourable to the House to support its own honesty, because of the patronage that attended Government: that it was mighty easy to deal in general charges of corruption, but that he trusted (in the manner stated in Friday's paper) that there was as much concern for the public on the part of Government, as in those that opposed it.

Hon. A.
Macdonald.

Hon. *A. Macdonald* rose in answer to Mr. Erskine, and began with observing, that he should not think himself warranted, either from the lateness of the hour, or the solemnity of the occasion, to follow that gentleman, by making his own panegyric, or that of any other person. He agreed with him, however, in referring all to the panegyric or condemnation of mankind, who would pass their sentence upon the candour and decency of Ministers, in refusing so much time for the examination of contested accounts, some of which had not even been read to the House, as would elapse till the handle of that clock returned to the figure to which it was at that moment pointing. He said, that the question in its present form was but a narrow one, and that he should in conformity to regularity in debate, have confined himself strictly to it, had not some observations fallen from Mr. Erskine, which must not pass unanswered. With respect to the question of adjournment, with what justice could it be said, that these important accounts were not one of the foundation stones on which the Minister had built his plea of necessity? A gentleman peculiarly versed in those ac-

counts,

counts, professed himself a friend to the commitment of this bill, and yet differed entirely from the Secretary's defalcation, by the mode of stating the freight, a very extensive article one way or the other. The Secretary had scarcely finished his assertion, that the debt from the Vizier was perfectly desperate, when the General (Smith) behind him declared, that he was satisfied that debt was now paid; that the debt from Tanjore was also called a debt to be obtained by armaments and rapine; to which it had been answered, that it was but one year's arrear of a tribute, comparatively small, and in general regularly paid. That the whole dead stock of the Company was struck off at one blow, and even their extensive property in London, estimated by surveyors at 250,000l. was not allowed them in account, and their own capital stock was considered as a debt to others. Nay, an account presented in evidence, shewing that the circumstances of the East-India Company were far better now than in the year 1773, had not even been read, although at that period the authors of this bill thought it impolitic and unjust to interfere merely by way of prevention. How far all those circumstances should be admitted or excluded from the statement given in, without farther evidence; without farther information, without farther consideration, he would not for one determine; but said, since that evidence and consideration was refused, the consequence must inevitably be, that he must take the account given in to be true, when compelled to divide in the moment, and precluded from examining the grounds on which it had been attempted to impeach it. Could it be conceived that a delay of a few hours could be seriously meant as a colour for procrastination? How many would undertake to say that they could decide on a sudden, upon controversies arising in the House out of the nature and course of the East-India trade: such as could not, he argued, must agree to the short adjournment; if they did not, they could only proceed in the bill, admitting what the Company stated to be literally true. Having urged these arguments with his utmost force, he observed, that as it was plain that the time asked for would be refused, he should next advert to what he considered as the most alarming wound to the constitution of this country that ever had been given; that a trap was laid for the liberties of the nation by this measure, and that it was attempted to entangle men's judgments, by hurrying them through accounts at one moment, and attacking their feelings by pa-

thetic accounts of the misconduct of the Company's servants at another. Mr. Erskine, he observed, had set on with saying, that a system had been called for, and was now objected to when produced; but what was that system? A most compendious one indeed, which must be comprized in these few words. Give India to me for five years certain, and I will manage it for you. No less than three different grounds had been laid, on three different days, for this enormous design. At the opening of the session, it was grounded on a description of Mr. Hastings's conduct, which he, who had laboured hard in the service of the House, and had served his apprenticeship to that business, would undertake to shew was, in many instances, without solid foundation, and in every instance exaggerated, although he condemned his politics in many points. This however, was a work of great detail, and not then necessary. On a subsequent day, it was grounded on the supposed bankruptcy of the Company, and it was now grounded by the honourable gentleman on a radical defect in the system. How came that radical defect, which must ever have been operating, to have been reserved for his discovery? The truth was, that misconduct of servants, extortion, and radical defect of system, where there was some ground for them, were the hackneyed pleas for subverting the rights of men; they were the precise grounds upon which that most infamous of all instances, the *Quo Warranto*, against the city of London, hinted at by the Counsel, was grounded. The similarity of the arguments then and now used, was as striking as the resemblance of the cases themselves: and he could not help reading two or three passages of the Attorney General's reply, which was the neatest epitome of the argument now used by the Minister and his friends. It was so close, that even the stale allusion of the physician and his patient was omitted, but he believed it would be for the future, after an observation made by a gentleman, whose good sense could only be exceeded by his good humour when he observed, that this bill called in fifteen doctors to a patient requiring some assistance, who began by bleeding, vomiting, and blistering, and binding him in a strait waistcoat. Mr. Macdonald here read the passages, changing the word City for Company, which were exactly apposite, and ended with these words of the Attorney General, "that he was only gently laying his hands upon their charter for their cure."

He

He proceeded to advert to Mr. Erskine's distinction between the right to violate the charter, and the policy of doing it, and said the distinction was sound; but that when he, Mr. Erskine talked of its having been maintained, that charters were immutable, by those who themselves had brought in a bill, stripping the Proprietors of all their chartered rights, he ascribed to them most unmeaning stuff, which they never had the folly to assert, and was mistaken in the fact, as to the bill alluded to.

The doctrine respecting the infringement of charters was simple and well known—either extreme of the proposition was absurd; either they were to be altered, much less cancelled without ceremony, or that they were never in any possible case to be meddled with—The true line was, that state necessity would justify an alteration, provided that it were strictly commensurate to the necessity. The reason was obvious, because where two parties contracted in the ordinary way, neither of them had the power to infringe or annul it, but a third tribunal must be resorted to: whereas in a case of a contract with the public, the one party was completely in the power of the other. It was then the true question in the present case, whether it was necessary to cut down the charter, root and branch, or whether many amendments, far short of so desperate a violation of contract, would not be sufficient. He contended that the bill brought in last year proved that they would, and avowed himself to have had a great hand in the formation of that bill, and would refer to it to prove that the interference of the stockholders, was infringed in the single instance of having no share in choosing the superior servants in India. He proceeded to observe on that bill at some length, in order to shew that none other than negative or preventive powers, such as those of recalling the servants in India, or disapproving the choice of the Directors, were given to the Ministers, and that to consolidate the governing power there, and regulate it here, together with an anxious attention to the rights of the natives, were the leading objects of it. But, said he, advert to the political consequences of the present bill. Influence arising from a patronage of near two millions a year is to be thrown into the hands of a particular party, which means a particular Minister, for a lease of five years. Mr. Erskine, he observed, had accused those who viewed this in two different lights, of inconsistency;—some supposing it to be adverse to the power of the Crown, others the direct reverse. But the

the confusion was of his own creating; for when coupled with the legitimate influence of the Crown, it was plain it must add to it tenfold; but if this bastard influence should be contrasted by those subjects to whom it was to be leased, with the legitimate influence of the Crown, a conflict would ensue, which might crush this constitution in the shock. He reminded gentlemen of the disgust with which he had repeatedly heard, that the bankrupt Nabob of Arcot, as he had been stiled in the debate, had thrust five or six members into that House. What then was to be expected from the sovereign of Bengal, Bahar, and Orixas, of our Circars, and other possessions in the Carnatic, or on the coast of Malabar; from the universal and exclusive merchandize to India and China, and the commissioners of a vast standing army, and great trading fleet! Gentlemen must think that the ancient constitution of mutual services and kindnesses, which have long bound them and their counties and boroughs together, would soon be broken through by a candidate furnished with a ticket from an Indian commissioner, who might promise every thing, and readily perform a great deal. That he never should give his consent to a measure which must have this effect; and which left it uncertain where the reversion of this irresistible power was to fall; that he should on every occasion, and in every stage of it, *manibus pedibusque*, oppose a bill, which left the Crown indeed where it was, but placed the sceptre in another hand. Mr. Macdonald concluded with a handsome apology to the House for their indulgence and attention.

Mr. Dempster.
Ser.

Mr. *Dempster* said, this was one of the greatest and most important questions that ever came before the House. He hoped, therefore, it would be deliberately discussed and wisely decided. With regard to the violation of charters, he declared, he thought all chartered rights should be held inviolable, the rights derived from one charter only excepted. He said he meant the charter of the East-India Company. That was the single charter that ought in his mind to be destroyed for the sake of this country, for the sake of India, and for the sake of humanity. He complimented Lord John Cavendish on his wish declared in the House more than once, that every European was driven out of India, and that we only enjoyed the commerce of that part of Asia, in like manner as we enjoyed that of China. He lamented that the navigation to India had ever been discovered, and conjured Ministers to abandon all idea of sovereignty in that quarter

quarter of the globe. It would, he said, be much wiser for them to make some one of the native princes king of the country, and to leave India to itself. After cautioning the House against running down the Court of Proprietors, Mr. Dempster said; he saw which way the House was inclined, and therefore he should withdraw, as he would not vote against his principles for the throne of Delhi.

Mr. Thornton made a short speech against the bill, and in support of the motion of adjournment.

Sir Henry Fletcher declared, he entirely agreed with the honourable gentleman that spoke last but one (Mr. Dempster) that it was one of the greatest questions that ever came before that House. But let them view it so far as it respected India, there they would find that Providence had placed under the British government upwards of twenty millions of people, who had a right to be well governed, and agreeable to their own laws and customs; he also agreed with the honourable gentleman, that it would have been much better for this country, and for Europe in general, if the navigation to the East Indies had never been discovered; but they must now consider their present situation there and at home; and he could not agree with the honourable gentleman, that it would be right to give up their possessions there; for were they to evacuate them, some other European nation would seize them, most probably France; and then this nation, once so glorious, having lost her western and eastern empires, would become insignificant in the eyes of Europe and the world. Seeing the question in this great national point of view, he the day before had resigned the high situation, which he held at another place, that his mind might be free and open to judge of a question of such great importance.

Sir Henry said, he would now take a very short view of the present state of our affairs in India; our last advices said, that the Mahratta peace was concluded; he wished that might be the case; there were some suspicious circumstances attending it, and one open breach of it, by the capture of one of our ships, some months after the ratification; but, however, our orders were given for the restoration of all our conquests to the Mahrattas, and a new treaty was negotiating, and far advanced with Madajee Scindia for a partition of the dominions of Tippoo Saib, the successor of Hyder Ally, should he not accept the terms stipulated for him in the Mahratta treaty. Tippoo Saib so far from claiming any benefit from that treaty, marched his army rapidly to his northern provinces, which were invaded by

by our army under General Matthews; he found the province of Bednour taken, and our army dispersed all over it, which, with their General, surrender to him; and all the province except Mangalore and one small place with their garrisons, by last advices were in his hands. Mangalore was besieged, and we were sending reinforcements to their assistance. We had also invaded his southern provinces with another army by the way of Tanjour. The peace of Europe was known in India; we had now a large force to spare on the Coromandel coast, and should the partition treaty go on, it was impossible for any one to say where this war might end. The Nizam and the Rajah of Berar were well known to be much disgusted at the Mahratta treaty made by Scindia, and should they join their forces to Tippoo Saib, the war might be long and ruinous. Such was, Sir Henry declared, the present state of the war in India, and it was well known, the disagreements that subsisted between all our own governments, which had been carried to alarming lengths. For all these reasons, respecting India, he thought it absolutely necessary that something should be done immediately, to form a regular and permanent government for that country.

He would now take a short view of the question at home. The Secret Committee of that House, after sitting above a year, enquiring into the causes of the war in India, came to many resolutions, which the House adopted in May, 1782, one of which was, that the East-India Directors ought to remove the Governors of Bengal and Bombay.—The Court of Directors, in consequence, began an enquiry into their conduct. The General Court of Proprietors met soon after, and came to a resolution, that the Court of Directors should not carry into effect any resolution they might come to respecting those gentlemen, without first reporting to them in October following; the Court came to resolutions, and laid them before the Court of Proprietors agreeable to their order. The Court of Proprietors disapproved of them, and ordered the Court of Directors to rescind them, and transmit the whole proceedings to India.

The Court of Directors complied, and agreeable to act of Parliament, transmitted their letter to his Majesty's Secretary of State for his approval. The Secretary disapproved the letter, forbade it going to India, and laid the whole before Parliament, by order of his Majesty, at the beginning of last session. The general peace of Europe at that time engaging the whole attention of Parliament, India
affairs

affairs were neglected, till the pressing necessities of the Company compelled them to apply to Parliament for pecuniary relief. Parliament still wishing to go into the India business, that session granted the Company then only a temporary relief of 500,000*l.* on their own bonds; this he thought was in the month of April.—Public business still engaging the attention of Parliament, and India business not coming on, and the necessities of the Company being still pressing, they urged the House for farther assistance; and the consideration of that day was, that the India business was of such a magnitude, that if entered into at that late season, it might keep the House sitting a great part of the summer, and perhaps have a very small attendance. The House again agreed to give the Company a farther temporary assistance of about 1,200,000*l.* by postponement of Custom and Exchequer bills, which passed into an act the beginning of July, and which Sir Henry said, he thought expired forty days after the meeting of the present session of Parliament. Thus it was that the question of the India business forced itself upon the House through necessity, and the House in its wisdom was bound to fix some permanent regulations at home and abroad.

It had been said, that the bill gave no pecuniary relief to the Company; it was true it did not. It was a bill of regulation; but it would be an act of madness to make regulations for the Company, and withhold the relief necessary to carry the regulation into effect; he therefore could not doubt but Administration intended a full relief to the Company, and he was clear that the Proprietors had an undoubted right to an eight-per-cent. dividend. This was his opinion, and he thought he was well founded in it, when he knew that the public had received about 2,500,000*l.* since we got possession of the territorial acquisitions, and the Company on an average, had had a smaller dividend since than before the acquisitions. Sir Henry therefore thought they had a right to an eight-per-cent. dividend, even if the difference between six and eight per cent. were to be paid by Government itself.

Much had been said about the patronage of the Company, and the influence it might give to his Majesty's Ministers. He had been in the highest situations of the Company in three administrations, and he did declare to that House, that he had never found in any of those administrations any attempts to take the patronage out of its usual course. There

was, Sir Henry said, a known and allowed patronage given by the Directors to his Majesty's Ministers for their assistance in India affairs, and he never knew them attempt to go beyond it.

Upon the whole, knowing, as he did know, the pressing necessities of the Company, at home and abroad, and the want of regulation, he said, he must be for the commitment of the bill.

Hon Mr.
Fraser.

The honourable Mr. *Fraser* said, he found himself called upon to give his vote, and if he gave a silent one, he might be liable to misconstruction: he therefore begged the indulgence of the House to hear his reasons for the vote he should give, in one single observation; that since it was exploded universally, as absurd, in all modern governments, to have a dominion within another, over which the parent state had no control, and as the mighty empire of India was of that nature, fraught with fatal powers to do injuries abroad, and mischiefs at home, it was high time to regulate those powers, so that as one government might direct and rule the whole; he should therefore vote for the bill's going into the Committee; not that he knew it was the best possible, but that he felt the object he had mentioned must be obtained; reserving to himself the power, when it was committed, to object to any part of it, which he could not in his conscience approve.

Mr. Sam.
Smith, jun.

Mr. *Samuel Smith*, jun. said, that the situation in which he stood as a Director of the East-India Company, called upon him to defend those accounts, which, through the mis-statement of the right honourable Secretary, tended to mislead the judgment of that House: and that he would hazard his reputation to prove the authenticity of those accounts by evidence at the Bar. He was proceeding to state a detail of the accounts, when the clamour was so loud for the question, that it was impossible for him to be heard; but when they were again called to order, he said, that he did not wonder that those, who were willing to believe the statement of the right honourable Secretary to be true, should be desirous that no other information should be offered to those, who came there to give an impartial decision upon the merits or injustice of the bill. Nay, he did not wonder, that they appeared so anxious to dissolve that assembly without obtaining a true knowledge of the Company's affairs, as he discovered by their conduct, through the whole of that business; such an indecent eagerness to divide the spoils.

But being again interrupted, by the clamour for the question, he with some warmth observed, that though he had not the abilities of a Cataline to attract the attention of the House, he trusted he had the spirit, the virtue, the common sense and sober reason of a citizen of Rome. And that as they were permitted to deliberate in that House, he would speak his sentiments with freedom; but if that bill should pass into a law, he should not be surprized to see an armed force behind the Chair, to overawe its deliberations: and that in such a case he should come prepared, and he trusted every other person would, who coincided with him in opinion, with that which alone would be necessary, and which was the requisite of a Polish Diet—Courage. But as the attention of the House had been so much exhausted by the length of debate, he would deliver his opinion in confutation of the right honourable Secretary's assertions in the other stages of the bill; but must say it was somewhat extraordinary that they objected to the question of adjournment for a short time, and yet at the same time would not permit any gentlemen to correct statements.

Mr. Smith was proceeding through a detail of figures; but the House being extremely fatigued, and the clock shewing it was half past four in the morning, the cry of the question was so loud, that Mr. Smith, after in vain complaining of the injustice of the House's refusing to hear him defend himself, and the rest of the Proprietors, desisted, and said again, he would take a more favourable opportunity of offering what he meant to have said, to their consideration.

Mr. Alderman *Townshend* rose with some warmth to reprobate such conduct in the House, which he said was both unseemly and unjust. That having heard the Secretary of State attack the Court of Directors, and charge them with gross fallacy, it became their indispensable duty to hear an honourable member, who was one of the Directors, make his defence.

Mr. Alderman Townshend.

Mr. *Smith* thanked the Alderman for his interposition; Mr. *Smith* but finding that the House wished to rise, he said, he would postpone what he had to say, till the next time the bill came under consideration.

The House then divided on the question of adjournment,

Noes, 229; Ayes, 120. Majority against the adjournment, 109.

December 1.

The order of the day being moved for going into the Committee on the bill for vesting the affairs of the East-India Company in the hands of certain Commissioners, for the benefit of the Proprietors and the public, Mr. Powys stood up, and regretted the necessity which urged him to deliver his sentiments on the subject. Had the debate hinged on the expediency of the bill—on its probable effects—on its immediate tendency, or collateral influence on the constitution of this country, he should not have been so forward in the discussion. But as the whole completion of the business appeared to him, the question was level to every capacity. It was, whether the affairs of the East-India Company were reduced to such a state of desperation as would justify the adoption of a system which eminently threatened the liberties of this country. He was clearly of opinion against the question. It had been ably and eloquently argued by others whose talents he admired, and whose virtues he loved. Different, and even contradictory accounts of the Company's affairs had been stated to the House. To strike an estimate between these he would not attempt. He observed, that the right honourable gentleman, on the day that he had so very ably opened the bill to the House, had laid in his claim to have it considered, not as a personal question, but as a question of general policy and expediency; he should consider it therefore as no personal question, but should enter upon the discussion of its principle, which he took to be the proper business of that day. He went on to say, that he had read the Reports of the two Committees, that had been appointed by that House to investigate the state of affairs in India, and had not only received a great deal of satisfaction from the very able and ingenious style in which the reports were drawn, but from the sound policy and humanity of the reasons they contained. The Reports also afforded, he was free to acknowledge, a considerable share of solid information. He had read them with attention, and was convinced, from having so carefully perused them, that some reform with regard to India was actually necessary; but he did not recollect that a single syllable in the Reports pointed to such a measure of reform, as the bill brought in by the right honourable gentleman; a bill, that in the most cruel and wanton manner proceeded to a violation

tion

tion of the rights of the East-India Company, sanctioned by charters, and recognized by repeated acts of Parliament, and to a direct seizure of their property, involving at the same time an alarming attack on the independence of that House, and upon the very existence of the constitution. The right honourable gentleman who brought in the bill, had defended it on the plea of necessity. Could any necessity warrant such a bill, or had the necessity for any such bill been proved? On what had the right honourable gentleman rested his argument, in order to establish the fact, that there existed a necessity for a bill of regulation? On two points, the mismanagement of the Company's affairs at home, and the disobedience of their servants abroad. To what had the right honourable gentleman ascribed both these?—to the fault of the Directors and the Governor General. Had either of them been punished? No. What said the bill? Annihilate the Directors. Where was the analogy? Upon looking back to the journals, he saw a resolution to recall Mr. Hastings. Had it been complied with? No. He charged the non-compliance not merely on the Court of Directors, but on the then First Lord of the Treasury and the Secretaries of State, and on every First Lord of the Treasury and Secretary of State from 1773 downwards. Before the House proceeded to adopt a bill so despotic as that then before them, ought they not to examine and to ascertain the extent of the necessity that called for it, and proportion their remedy to that extent? Could no means be hit upon less violent than those proposed in the bill, to infuse a spirit of activity and vigour into the constitution of the administration of the Company's affairs here, and to restore subordination and obedience of orders in India? Mr. Powys said, he thought there might: nay, so easy was it to see what would cure the complaints of disobedience in India, that it had even struck him, and he would state it to the House. By a resolution which they had come to in 1782, on the proposition of the Chairman of one of the two India Committees, it was declared, as the opinion of the House, that Mr. Hastings should be recalled. Let that gentleman be recalled; and when he comes home, send him back again; but take care to join Mr. Francis with him: thus make a new coalition. The Mahratta war being at an end, the topic of their former difference was no more, and they might agree together and serve their country well in future, the violence and vigour of the one of these two gentlemen would

would be corrected and meliorated by the slowness and moderation of the other. Having thus raised a laugh at the expence of the present Ministry, Mr. Powys proceeded more seriously to argue the principle of the bill under consideration, which he reprobated and condemned in the severest terms. He went into a comparison between the bill proposed by Mr. Dundas (the Chairman of the Secret Committee) last year, and the bill then under consideration. As obedience of orders in India, and activity in the management of the Company's affairs at home, were the two matters which the Reports upon the table complained of, as wanting to give the administration of the Company's affairs the necessary effect, he contended that the learned gentleman's bill was fully adequate to the purpose; and asked why the powers intended to be vested in the septemvirate by the bill, might not, with as much probability of advantage to the public, be vested in the hands of the Directors? He said, he rather asked this, because he understood that some of the Directors were designed to be converted into Commissioners. He alluded also to a noble Earl, who had been mentioned to him, as likely to be placed at the head of the Board. For that noble Lord he professed the greatest esteem and respect. He revered his character, he acknowledged his integrity, and he admired his abilities. The noble Earl, he said, was capable of adorning any station, and lending dignity and weight to any board at which he presided; but convinced as he was of this, he could not suffer personal friendship or partiality to warp his judgment, or induce him to approve an institution that appeared to him to be neither wise nor necessary; but which was, in fact, rash, despotic, and dangerous to the liberties of the country. Having reasoned upon its general tendency, he said, he might be permitted to look at the quarter from whence it came; Mr. Powys then entered into a series of sarcastic remarks on the bill's having been presented by the Secretary for foreign affairs, instead of the Secretary of the home department. Not, he declared, that he was sorry to see the activity and vigour of the right honourable gentleman exerted, whether in the execution of his own duty, or that of his noble colleague: the more it pervaded every department of Administration, he was convinced, it would be so much the better for the country. But was the House to consider it as a fair acknowledgement on the part of the noble Lord in the blue ribband, of his conscious inferiority? He

He called on the right honourable Secretary to defend the principles of it on those which had so eminently distinguished his parliamentary conduct, and so peculiarly drawn along with it the love, admiration, and gratitude of his countrymen. And he wished to state the difference as it operated on his own mind, between the champion of influence and the man of the people. He imputed the prominent features of the bill not to him, however, but to his noble colleague. He knew his abilities, and his virtues of industry, activity, fortitude, and perseverance, to be such as must soon and sensibly pervade every department of Government. Nor did he dread their influence, could he but see the principle as clearly as the effect: but he did not like to see a necessity created of inspecting, for the sake of liberty, those great and splendid talents, which had been so often and successfully exerted in its behalf. This had his opposition on this as well as on many other more essential and affecting accounts. And that system of Government which he had reprobated from the beginning, he averred, was the most obvious and distinguishing feature in the business. There appeared to him only the old system of prerogative revived; it was formed in the true system of Lord North's Administration; "its voice was indeed the voice of Jacob, but its hands were those of Esau." Mr. Powys made many quotations from Latin authors and others, to illustrate his argument, and dwelt for a considerable time on the enormous, unprecedented, and unconstitutional influence that the bill would create, and place in the hands of the Minister, if it passed into a law. He said, he had three sessions ago voted, that the influence of the Crown was too largely increased, and had lent his support to its diminution. This had been in some degree effected; but what was the proportion of influence diminished by the destruction of a few Boards, compared to the influence that would be created by putting the Minister in possession of the whole patronage of the East-India Company? He enlarged upon this very considerably, and said, if the right honourable gentleman, who drew the bill of Reform, that even went so far as to lessen the splendour of the Crown, and curtail the expenditure of the Civil List, for the sake of economy, had founded his plan of that day in sincerity, he could not but join him in reprobating and opposing a bill, that would obviously create so much more influence now, than had been taken away, and place it, not in the executive Government, where responsibility was

was lodged by the constitution, but where it might be exercised under the direction, and for the service, of the present Minister, without his having the responsibility for its abuse. If the right honourable gentleman opposite to him, had not been a man of such known moderation, he should not have wondered if people were to put words to this effect into the right honourable gentleman's mouth: "I have now forced myself into a most exalted station; the people, by whose means I reached it, begin however to think less of me than before. But still I have great influence in the country; I have formed connections with many of the first families in the kingdom, families of the highest rank and most distinguished characters, who are all combined to support my Administration; I have joined a party, which I had driven two years ago from the helm of Government, by my unremitted exertions for years together. But as my popularity is on the wane, I will make good use of my time — the whole Indies shall, for this reason, contribute to the splendour and permanency of my power. I will take the advantage of the zenith of my power, to build me a golden fortress in the midst of the land of promise. That fortress I will not only render impregnable, but garrison with a select number of picked friends and chosen adherents, on whose zeal and attachment I can safely rely: a fortress which no contingency shall be able to assail with success — which shall neither yield to the call of the people, nor the inclination of the Sovereign." Mr. Powys said, he thanked Heaven, the fortress was not finished, though this modern Babel almost reached the clouds already: the shoulders of that House had been galled with carrying bricks and mortar to it. For God's sake, exclaimed the honourable gentleman, let us crush this superstructure before it swells to such an immense size as shall leave no room for the other parts of the constitution. The foundation is strong; the materials are rich and well assorted; and the plan and execution are entrusted in the hands of a master, who will carry it through with address and dispatch. Already there seems hardly a vestige of the Company. They were distressed, and they came in their trouble for relief: it was your interest to grant it: but they did not, like Shylock, ask a pound of flesh nearest your heart. An answer to their requisition, however, was the most likely means of answering this bill, which, for a very problematical good, is pregnant with the greatest evil. Yes! The Westminster Committee may meet and censure the Ministers
or

of the day, dictate to Parliament, and rouse the public to assert and defend their privileges against the influence of the Crown; but the Directors or merchants concerned in the Asiatic trade, dare not meet innocently and inoffensively to consult about their own mercantile affairs, without risking the whole penalties of this bill. He had every respect for the right honourable gentleman's talents, that was their due; but he wished to see him the servant of his Sovereign, and not his master. He added a great variety of other pointed and personal remarks, and urged the violation of the Company's charter as a matter truly alarming. After reasoning upon this point with great energy, Mr. Powys earnestly deprecated any farther progress with the bill; recommending, that instead of pursuing such a bill any farther, a clause should be grafted on the Regulating bill (which he declared he highly approved, and believed it would meet with unanimous support) for the purpose of giving such additional powers to Government, and enforcing such new regulations with regard to the future conduct of the Court of Directors, as might be requisite. For these reasons he conjured the House to join him in suppressing this most obnoxious and impolitic measure. Their honour as well as their justice was deeply affected by the question. He protested, that though their possessions had been frequently called the brightest jewel of the Crown, he would rather the Crown should drop or lose than wear it in the manner presented by this bill. He then addressed the Speaker, and beseeched him not to leave the chair, and declared, in the most solemn manner, that whatever was dear to Englishmen, and to the House, depended on the issue of this debate, and that by leaving the chair he consigned the constitution, the liberties, the glory, and the dignity of the British empire, to ultimate and certain ruin.

Mr. *Burke*, after some prefatory matter on the importance of the subject, proceeded as follows: . . . It is not only agreed, but demanded, by the right honourable gentleman, (Mr. Pitt) and by those who act with him, that a *whole* system ought to be produced; that it ought not to be an *half measure*; that it ought to be no *palliative*; but a legislative provision, vigorous, substantial, and effective. I believe that no man who understands the subject can doubt for a moment, that those must be the conditions of any thing deserving the name of a reform in the Indian Government; that any thing short of them would not only be delusive, but,

They belong to the Company in the surest manner; and they are secured to that body by every sort of public sanction. They are stamped by the faith of the King; they are stamped by the faith of Parliament; they have been bought for money — for money honestly and fairly paid; they have been bought for valuable consideration, over and over again.

I therefore freely admit to the East-India Company their claim to exclude their fellow subjects from the commerce of half the globe. I admit their claim to administer an annual territorial revenue of seven millions sterling; to command an army of sixty thousand men; and to dispose (under the control of a Sovereign, imperial discretion, and with the due observance of the natural and local law) of the lives and fortunes of thirty millions of their fellow creatures. All this they possess by charter, and by acts of Parliament, (in my opinion) without a shadow of controversy.

Those who carry the rights and claims of the Company the farthest, do not contend for more than this; and all this I freely grant. But, granting all this, they must grant to me, in my turn, that all political power which is set over men, and that all privilege claimed or exercised in exclusion of them, being wholly artificial, and, for so much, a derogation from the natural equality of mankind at large, ought to be some way or other exercised ultimately for their benefit.

If this is true with regard to every species of political dominion, and every description of commercial privilege, none of which can be original, self-derived rights, or grants for the mere private benefit of the holders, then such rights, or privileges, or whatever else you chuse to call them, are all in the strictest sense a *trust*; and it is of the very essence of every trust to be rendered *accountable*; and even totally to *cease*, when it substantially varies from the purposes for which alone it could have a lawful existence.

This I conceive, Sir, to be true, of fruits of power vested in the highest hands, and of such as seem to hold of no human creature. But about the application of this principle to subordinate, *derivative* trusts, I do not see how a controversy can be maintained. To whom then would I make the East-India Company accountable? Why, to Parliament to be sure; to Parliament, from whom their trust was derived; to Parliament, which alone is capable of comprehending the magnitude of its object, and its abuse; and alone capable of an effectual legislative remedy. The very charter, which
is

is held out to exclude Parliament from correcting malversation with regard to the high trust vested in the Company, is the very thing which at once gives a title, and imposes a duty on us to interfere with effect, wherever power and authority, originating from ourselves, are perverted from their purposes, and become instruments of wrong and violence.

If Parliament, Sir, had nothing to do with this charter, we might have some sort of epicurean excuse to stand aloof, indifferent spectators of what passes in the Company's name in India and in London. But if we are the very cause of the evil, we are in a special manner engaged to the redress; and for us passively to bear with oppressions committed under the sanction of our own authority, is in truth and reason for this House to be an active accomplice in the abuse.

That the power notoriously, grossly abused, has been bought from us, is very certain. But this circumstance, which is urged against the bill, becomes an additional motive for our interference; lest we should be thought to have sold the blood of millions of men, for the base consideration of money. We sold, I admit, all that we had to sell; that is, our authority, not our control. We had not a right to make a market of our duties.

I ground myself, therefore, on this principle—that if the abuse is proved, the contract is broken; and we re-enter into all our rights; that is, into the exercise of all our duties. Our own authority is indeed as much a trust originally, as the Company's authority is a trust derivatively; and it is the use we make of the resumed power that must justify or condemn us in the resumption of it. When we have perfected the plan laid before us by the right honourable mover, the world will then see what it is we destroy, and what it is we create. By that test we stand or fall; and by that test I trust that it will be found in the issue, that we are going to supersede a charter abused to the full extent of all the powers which it could abuse, and exercised in the plenitude of despotism, tyranny, and corruption; and that, in one and the same plan, we provide a real chartered security for the *rights of men*, cruelly violated under that charter.

This bill, and those connected with it, are intended to form the *Magna Charta* of Hindostan. Whatever the treaty of Westphalia is to the liberty of the Princes and free cities of the empire, and to the three religions there professed—whatever the great charter, the statute of tallage, the petition

titution of right, and the declaration of right, are to Great Britain, these bills are to the people of India. Of this benefit, I am certain, their condition is capable; and when I know that they are capable of more, my vote shall most assuredly be for our giving to the full extent of their capacity of receiving; and no charter of dominion shall stand as a bar in my way to their charter of safety and protection.

The strong admission I have made of the Company's rights (I am conscious of it) binds me to do a great deal. I do not presume to condemn those who argue *a priori*, against the propriety of leaving such extensive political powers in the hands of a company of merchants. I know much is, and much more may be said against such a system. But, with my particular ideas and sentiments, I cannot go that way to work. I feel an insuperable reluctance in giving my hand to destroy any established institution of Government, upon a theory, however plausible it may be. My experience in life teaches me nothing clear upon the subject. I have known merchants with the sentiments and the abilities of great statesmen; and I have seen persons in the rank of statesmen, with the conceptions and character of pedlars. Indeed, my observations has furnished me with nothing that is to be found in any habits of life or education, which tends wholly to disqualify men for the functions of government, but that, by which the power of exercising those functions is very frequently obtained, I mean, a spirit and habit of low cabal and intrigue; which I have never, in one instance, seen united with a capacity for sound and manly policy.

To justify us in taking the administration of their affairs out of the hands of the East-India Company, on my principles, I must see several conditions. 1st, The object affected by the abuse should be great and important. 2d, The abuse affecting this great object, ought to be a great abuse. 3d, It ought to be habitual, and not accidental. 4th, It ought to be utterly incurable in the body as it now stands constituted. All this ought to be made as visible to me as the light of the sun, before I should strike off an atom of their charter. A right honourable gentleman (Mr. Pitt) has said, and said, I think, but once, and that very slightly (whatever his original demand for a plan might seem to require) that "there are abuses in the Company's government." If that were all, the scheme of the
mover

mover of this bill, the scheme of his learned friend, and his own scheme of reformation (if he has any) are all equally needless. There are, and must be, abuses in all governments. It amounts to no more than a nugatory proposition. But before I consider of what nature these abuses are, of which the gentleman speaks so very highly, permit me to recall to your recollection the map of the country which this abused chartered right affects. This I shall do, that you may judge whether in that map I can discover any thing like the first of my conditions; that is, whether the object affected by the abuse of the East-India Company's power be of importance sufficient to justify the measure and means of reform applied to it in this bill.

With very few, and those inconsiderable intervals, the British dominion, either in the Company's name, or in the names of Princes absolutely dependent upon the Company, extends from the mountains that separate India from Tartary, to Cape Comorin, that is, one-and-twenty degrees of latitude!

In the northern parts, it is a solid mass of land, about eight hundred miles in length, and four or five hundred broad. As you go southward, it becomes narrower for a space. It afterwards dilates; but narrower or broader, you possess the whole eastern and north-eastern coast of that vast country, quite from the borders of Pegu. Bengal, Bahar, and Orissa, with Benares, (now unfortunately in our immediate possession) measure 161,978 square English miles; a territory considerably larger than the whole kingdom of France. Oude, with its dependent provinces, is 53,286 square miles; not a great deal less than England. The Carnatic, with Tanjore and the Circars, is 65,948 square miles, very considerably larger than England; and the whole of the Company's dominion, comprehending Bombay and Salsette, amounts to 281,412 square miles; which forms a territory larger than any European dominion, Russia and Turkey excepted. Through all that vast extent of country, there is not a man who eats a mouthful of rice, but by permission of the East-India Company.

So far with regard to the extent. The population of this great empire is not easy to be calculated. When the countries, of which it is composed, came into our possession, they were all eminently peopled, and eminently productive; though at that time considerably declined from their antient posterity. But since they are come into our hands!——!

However,

However; if we take the period of our estimate immediately before the utter desolation of the Carnatic, and if we allow for the havock which our government had even then made in these regions, we cannot, in my opinion, rate the population at much less than thirty millions of souls; more than four times the number of persons in the island of Great Britain.

My next enquiry to that of the number, is the quality and description of the inhabitants. This multitude of men does not consist of an abject and barbarous populace; much less of gangs of savages, like the Guaranies and Chiquitos, who wander on the waste borders of the river of Amazon, or the Plate; but a people for ages civilized and cultivated; cultivated by all the arts of polished life, whilst we were yet in the woods. There have been (and still the skeletons remain) princes, once of great dignity, authority and opulence. There are to be found the chiefs of tribes and nations. There is to be found an ancient and venerable priesthood, the depository of their laws, learning, and history, the guides of the people whilst living, and their consolation in death; a nobility of great antiquity and renown; a multitude of cities, not exceeded in population and trade by those of the first class in Europe; merchants and bankers, individual houses of whom have once vied in capital with the Bank of England; whose credit had often supported a tottering State, and preserved their governments in the midst of war and desolation; millions of ingenious manufacturers and mechanics; millions of the most diligent, and not the least intelligent, tillers of the earth. Here are to be found almost all the religions professed by men, the Bramincal, the Mussulmen, the Eastern and the Western Christians.

If I were to take the whole aggregate of our possessions there, I should compare it, as the nearest parallel I can find, with the empire of Germany. Our immediate possessions I should compare with the Austrian dominions, and they would not suffer in the comparison. The Nabob of Oude might stand for the King of Prussia; the Nabob of Arcot I would compare, as superior in territory, and equal in revenue, to the Elector of Saxony. Cheyt Sing, the Rajah of Benares, might well rank with the Prince of Hesse at least; and the Rajah of Tanjore (though hardly equal in extent of dominion, superior in revenue) to the Elector of Bavaria. The Polygars and the northern Zemindars, and other great chiefs, might well class with the rest of the Princes, Dukes, Counts,

Counts, Marquisses, and Bishops in the empire ; all of whom I mention to honour, and surely without disparagement to any or all of those most respectable princes and grandees.

All this vast mass, composed of so many orders and classes of men, is infinitely diversified by manners, by religion, by hereditary employment, through all their possible combinations. This renders the handling of India a matter in an high degree critical and delicate. But oh ! it has been handled rudely indeed. Even some of the reformers seem to have forgot that they had any thing to do but to regulate the tenants of a manor, or the shopkeepers of the next county town.

It is an empire of this extent, of this complicated nature, of this dignity and importance, that I have compared to Germany, and the German government ; not for an exact resemblance, but as a sort of a middle term, by which India might be approximated to our understandings, and if possible to our feelings ; in order to awaken something of sympathy for the unfortunate natives, of which I am afraid we are not perfectly susceptible, whilst we look at this very remote object through a false and cloudy medium.

My second condition, necessary to justify me in touching the charter, is, Whether the Company's abuse of their trust, with regard to this great object, be an abuse of great atrocity. I shall beg your permission to consider their conduct in two lights ; first the political, and then the commercial. Their political conduct (for distinctness) I divide again into two heads ; the external, in which I mean to comprehend their conduct in their federal capacity, as it relates to powers and states independent, or that not long since were such ; the other internal, namely, their conduct to the countries either immediately subject to the Company, or to those who, under the apparent government of native sovereigns, are in a state much lower, and much more miserable, than common subjection.

With regard to the abuse of the external federal trust, I engage myself to you to make good these three positions : — First, I say, that from Mount Imaus, (or whatever else you call that large range of mountains that walls the northern frontier of India) where it touches us in the latitude of twenty-nine, to Cape Comorin, in the latitude of eight, that there is not a *single* Prince or State, or Potentate, great or small, in India, with whom they have come into contact, whom they have not sold. I say *so'd*, though sometimes

times they have not been able to deliver according to their bargain.—Secondly, I say, that there is not a *single treaty* they have ever made, which they have not broken.—Thirdly, I say, that there is not a single Prince or State, who ever put any trust in the Company, who is not utterly ruined; and that none are in any degree secure or flourishing, but in the exact proportion to their settled distrust and irreconcilable enmity to this nation.

These assertions are universal. I say in the full sense *universal*. They regard the external and political trust only; but I shall produce others fully equivalent, in the internal. For the present, I shall content myself with explaining my meaning; and if I am called on for proof whilst these bills are depending (which I believe I shall not) I will put my finger on the Appendixes to the Reports, or on papers of record in the House, or the Committees, which I have distinctly present to my memory, and which I think I can lay before you at half an hour's warning.

The first Potentate sold by the Company for money was the Great Mogul—the descendant of Tamerlane. This high personage, as high as human veneration can look at, is by every account amiable in his manners, respectable for his piety according to his mode, and accomplished in all the Oriental literature. All this, and the title derived under his *charter*, to all that we hold in India, could not save him from the general *sale*. Money is coined in his name; in his name justice is administered; he is prayed for in every temple through the countries we possess. But he was sold.

It is impossible, Mr. Speaker, not to pause here for a moment, to reflect on the inconstancy of human greatness, and the stupendous revolutions that have happened in our age of wonders. Could it be believed, when I entered into existence, or when you, a younger man, were born, that on this day, in this House, we should be employed in discussing the conduct of those British subjects who had disposed of the power and person of the Great Mogul? This is no idle speculation. Awful lessons are taught by it, and by other events, of which it is not yet too late to profit.

This is hardly a digression; but I return to the ~~the~~ of the Mogul. Two districts, Corah and Allahabad, out of his immense grants, were reserved as a royal demesne to the donor of a kingdom, and the rightful sovereign of so many nations. After withholding the tribute of £.260,000 a year, which the Company was, by the *charter* they had received

ceived from this Prince, under the most solemn obligation to pay, these districts were sold to his chief minister Sujah ul Dowlah; and, what may appear to some the worst part of the transaction, these two districts were sold for scarcely two years purchase. The descendant of Tamerlane now stands in need almost of the common necessities of life; and in this situation we do not even allow him, as bounty, the smallest portion of what we owe him in justice.

The next sale was that of the whole nation of the Rohillas, which the grand salesman, without a pretence of quarrel, and contrary to his own declared sense of duty and rectitude, sold to the same Sujah ul Dowlah. He sold the people to utter *extirpation*, for the sum of two hundred thousand pounds. Faithfully was the bargain performed upon our side. Hafiz Rhamet, the most eminent of their chiefs, one of the bravest men of his time, and as famous throughout the East for the elegance of his literature, and the spirit of his poetical compositions (by which he supported the name of Hafiz) as for his courage, was invaded with an army of an hundred thousand men, and an English brigade. This man, at the head of inferior forces, was slain valiantly fighting for his country. His head was cut off, and delivered for money to a barbarian. His wife and children, persons of that rank, were seen begging an handful of rice through the English camp. The whole nation, with inconsiderable exceptions, was slaughtered or banished. The country was laid waste with fire and sword; and that land distinguished above most others, by the cheerful face of paternal government and protected labour, the chosen seat of cultivation and plenty, is now almost throughout a dreary desert, covered with rushes and briars, and jungles full of wild beasts.

In Bengal, Seraja Dowlah was sold to Mir Jaffier; Mir Jaffier was sold to Mir Cossim; and Mir Cossim was sold to Mir Jaffier again. The succession to Mir Jaffier was sold to his eldest son;—another son of Mir Jaffier, Mobarech ul Dowla, was sold to his step-mother—The Mahratta empire was sold to Ragoba; and Ragoba was sold and delivered to the Peishwa of the Mahrattas. Both Ragoba and the Peishwa of the Mahrattas were offered to sale to the Rajah of Berar. Scindia, the chief of Malva, was offered to sale to the same Rajah; and the Subah of the Decan was sold to the great trader Mahomet Ali, Nabob of Arcot. To the same Nabob of Arcot they sold Hyder Ali and the kingdom of Mysore. To Mahomet Ali they sold the kingdom of Tan-

jore. To the same Mahomet Ali they sold at least twelve sovereign princes, called the Polygars. But to keep things even, the territory of Tinnivelly, belonging to their Nabob, they would have sold to the Dutch; and to conclude the account of sales, their great customer, the Nabob of Arcot himself, and his lawful succession, has been sold to his second son, Amir ul Omrah, whose character, views, and conduct, are in the accounts upon your table. It remains with you whether they shall finally perfect this last bargain.

All these bargains and sales were regularly attended with the waste and havock of the country, always by the buyer, and sometimes by the object of the sale. This was explained to you by the honourable mover, when he stated the mode of paying debts due from the country powers to the Company. An honourable gentleman, who is not now in his place, objected to his jumping near two thousand miles for an example. But the southern example is perfectly applicable to the northern claim, as the northern is to the southern; for, throughout the whole space of these two thousand miles, take your stand where you will, the proceeding is perfectly uniform, and what is done in one part will apply exactly to the other.

My second assertion is, that the Company never has made a treaty which they have not broken. This position is so connected with that of the sales of provinces and kingdoms, with the negotiation of universal distraction in every part of India, that a very minute detail may well be spared on this point. It has not yet been contended, by any enemy to the reform, that they have observed any public agreement. When I hear that they have done so in any one instance (which hitherto, I confess, I never heard alledged) I shall speak to the particular treaty. The Governor General has even amused himself and the Court of Directors in a very singular letter to that board, in which he admits he has not been very delicate with regard to public faith; and he goes so far as to state a regular estimate of the sums which the Company would have lost, or never acquired, if the rigid ideas of public faith entertained by his colleagues had been observed. The learned gentleman over-against me (Mr. Dundas, lord advocate of Scotland) has indeed saved me much trouble. On a former occasion he obtained no small credit, for the clear and forcible manner in which he stated what we have not forgot, and I hope he has not forgot, that
universal

universal systematic breach of treaties which had made the British faith proverbial in the East.

It only remains, Sir, for me just to recapitulate some heads. The treaty with the Mogul, by which we stipulated to pay him 260,000l. annually, was broken. This treaty they have broken, and not paid him a shilling. They broke their treaty with him, in which they stipulated to pay 400,000l. a year to the Soubah of Bengal. They agreed with the Mogul, for services admitted to have been performed, to pay Nudjif Cawn a pension. They broke this article with the rest, and stopped also this small pension. They broke their treaties with the Nizam, and with Hyder Ali. As to the Mahrattas, they had so many cross treaties with the States General of that nation, and with each of the chiefs, that it was notorious, that no one of these agreements could be kept without grossly violating the rest. It was observed, that if the terms of these several treaties had been kept, two British armies would at one and the same time have met in the field to cut each other's throats. The wars which desolate India, originated from a most atrocious violation of public faith on our part. In the midst of profound peace, the Company's troops invaded the Mahratta territories, and surprised the island and fortress of Salsette. The Mahrattas nevertheless yielded to a treaty of peace, by which solid advantages were procured to the Company. Again the Company invaded the Mahratta dominions. The disaster that ensued gave occasion to a new treaty. The whole army of the Company was obliged, in effect, to surrender to this injured, betrayed, and insulted people. Justly irritated, however, as they were, the terms which they prescribed were reasonable and moderate; and their treatment of their captive invaders, of the most distinguished humanity. But the humanity of the Mahrattas was of no power whatsoever to prevail on the Company to attend to the observance of the terms dictated by their moderation. The war was renewed with greater vigour than ever; and such was their insatiable lust of plunder, that they never would have given ear to any terms of peace, if Hyder Ali had not broke through the Gaults, and rushing like a torrent into the Carnatic, swept away every thing in his career. This was in consequence of that confederacy, which by a sort of miracle united the most discordant powers for our destruction, as a nation in
which

which no other could put any trust, and who were the declared enemies of the human species.

It is very remarkable, that the late controversy between the several presidencies, and between them and the Court of Directors, with relation to these wars and treaties, has not been, which of the parties might be defended for his share in them; but on which of the parties the guilt of all this load of perfidy should be fixed. But I am content to admit all these proceedings to be perfectly regular, to be full of honour and good faith; and wish to fix your attention solely to that single transaction which the advocates of this system select for so transcendent a merit as to cancel the guilt of all the rest of their proceedings; I mean the late treaties with the Mahrattas Here the merits of that treaty were entered into at large, and it was shewn, that all the allies of the Company were abandoned; and even surrendered, under loose articles, to the discretion of the enemy; that the treaty was ratified in the camp of one of the Mahratta chiefs, whilst he was battering a castle given as a security to an ally included in that treaty; and on the authority of a private letter said, that Mr. Hastings refused to receive the agent of this ally complaining of this breach of faith In this manner, says he, the Company has acted with their allies in the Mahratta war. But they did not rest here: the Mahrattas were fearful lest the persons delivered to them by that treaty should attempt to escape into the British territories, and thus might elude the punishment intended for them, and by reclaiming the treaty, might stir up new disturbances. To prevent this, they desired an article to be inserted in the supplemental treaty, to which they had the ready consent of Mr. Hastings and the rest of the Company's representatives in Bengal. It was this, "That the English and Mahratta governments mutually agree not to afford refuge to any *chiefs, merchants, or other persons*, flying for protection to the territories of the other." This was readily assented to, and assented to without any exception whatever, in favour of our surrendered allies. On their part a reciprocity was stipulated which was not unnatural for a government like the Company's to ask; a government, conscious that many subjects had been, and would in future, be driven to fly from its jurisdiction.

To complete the system of pacific intention and public faith, which predominate in these treaties, Mr. Hastings
fairly

fairly resolved to put all peace, except on the terms of absolute conquest, wholly out of his own power. For, by an article in this second treaty with Scindia, he binds the Company not to make any peace with Tippoo Saib, without the consent of the Peishwa of the Mahrattas; and binds Scindia to him by a reciprocal engagement. The treaty between France and England obliges us mutually to withdraw our forces, if our allies in India do not accede to the peace within four months; Mr. Hastings's treaty obliges us to continue the war as long as the Peishwa thinks fit. We are now in that happy situation, that the breach of the treaty with France, or the violation of that with the Mahrattas, is inevitable; and we have only to take our choice.

My third assertion, relative to the abuse made of the right of war and peace, is, that there are none who have ever confided in us, who have not been utterly ruined. The examples I have given of Ragonaut Row, of Guickwar, of the Rana of Gohud, are recent. There is proof more than enough in the condition of the Mogul; in the slavery and indigence of the Nabob of Oude; the exile of the Rajah of Benares; the beggary of the Nabob of Bengal; the undone and captive condition of the Rajah and kingdom of Tanjore; the destruction of the Polygars; and lastly, in the destruction of the Nabob of Arcot himself, who, when his dominions were invaded, was found entirely destitute of troops, provisions, stores, and (as he asserts) of money, being a million in debt to the Company, and four millions to others: the many millions which he had extorted from so many extirpated princes and their desolated countries, having (as he has frequently hinted) been expended for the ground-rent of his mansion-house in an alley in the suburbs of Madras. Compare the condition of all these princes with the power and authority of all the Mahratta states; with the independence and dignity of the Soubah of the Decan; and the mighty strength, the resources, and the manly struggle of Hyder Ali; and then the House will discover the effects, on every power in India, of an easy confidence, or of a rooted distrust in the faith of the Company.

These are some of my reasons, grounded on the abuse of the external political trust of that body, for thinking myself not only justified, but bound to declare against those chartered rights which produce so many wrongs. I should
deem

deem myself the wickedest of men, if any vote of mine could contribute to the continuance of so great an evil.

Now, Sir, according to the plan I proposed, I shall take notice of the Company's internal government, as it is exercised, first, on the dependent provinces, and then as it affects those under the direct and immediate authority of that body. And here, Sir, before I enter into the spirit of their interior government, permit me to observe to you, upon a few of the many lines of difference which are to be found between the vices of the Company's government, and those of the conquerors who preceded us in India; that we may be enabled a little the better to see our way in an attempt to the necessary reformation.

The several irruptions of Arabs, Tartars, and Persians, into India were, for the greater part, ferocious, bloody, and wasteful in the extreme. Our entrance into the dominion of that country was, as generally, with small comparative effusion of blood; being introduced by various frauds and delusions, and by taking advantage of the incurable, blind, and senseless animosity, which the several country powers bear towards each other, rather than by open force. But the difference in favour of the first conquerors is this; the Asiatic conquerors very soon abated of their ferocity, because they made the conquered country their own. They rose or fell with the rise or fall of the territory they lived in. Fathers there deposited the hopes of their posterity; and children there beheld the monuments of their fathers. Here their lot was finally cast; and it is the natural wish of all, that their lot should not be cast in a bad land. Poverty, sterility, and desolation, are not a recreating prospect to the eye of man; and there are very few who can bear to grow old among the curses of a whole people. If their passion or their avarice drove the Tartar lords to acts of rapacity or tyranny, there was time enough, even in the short life of man, to bring round the ill effects of an abuse of power upon the power itself. If hoards were made by violence and tyranny, they were still domestic hoards; and domestic profusion, or the rapine of a more powerful and prodigal hand, restored them to the people. With many disorders, and with few political checks upon power, nature had still fair play; the sources of acquisition were not dried up; and, therefore, the trade, the manufactures, and the commerce of the country flourished. Even avarice and usury itself operated, both for the preservation

vation and the employment of national wealth. The husbandman and manufacturer paid heavy interest, but then they augmented the fund from whence they were again to borrow. Their resources were dearly bought, but they were sure; and the general stock of the community grew by the general effort.

But under the English government all this order is reversed. The Tartar invasion was mischievous; but it is our protection that destroys India. It was their enmity, but it is our friendship. Our conquest there, after twenty years, is as crude as it was the first day. The natives scarcely know what it is to see the grey head of an Englishman. Young men (boys almost) govern there, without society, and without sympathy with the natives. They have no more social habits with the people, than if they still resided in England; nor indeed any species of intercourse but that which is necessary to making a sudden fortune, with a view to a remote settlement. Animated with all the avarice of age, and all the impetuosity of youth, they roll in one after another; wave after wave; and there is nothing before the eyes of the natives but an endless, hopeless prospect of new flights of birds of prey and passage, with appetites continually renewing for a food that is continually wasting. Every rupee of profit made by an Englishman, is lost for ever to India. With us are no retributory superstition, by which a foundation of charity compensates, through ages, to the poor, for the rapine and injustice of a day. With us no pride erects stately monuments which repair the mischiefs which pride had produced, and which adorn a country out of its own spoils. England has erected no churches, no hospitals*, no palaces, no schools; England has built no bridges, made no high roads, cut no navigations, dug out no reservoirs. Every other conqueror of every other description, has left some monument, either of state or beneficence, behind him. Were we to be driven out of India this day, nothing would remain, to tell that it had been possessed, during the inglorious period of our dominion, by any thing better than the ouran-outang or the tiger.

There is nothing in the boys we send to India worse than the boys whom we are whipping at school, or that we see trailing a pike, or bending over a desk at home. But as

* The paltry foundation at Calcutta is scarcely worth naming as an exception.

English youth in India drink the intoxicating draught of authority and dominion before their heads are able to bear it, and as they are fully grown in fortune long before they are ripe in principle, neither nature nor reason have any opportunity to exert themselves for remedy of the excesses of their premature power. The consequences of their conduct, which in good minds (and many of theirs are probably such) might produce penitence or amendment, are unable to pursue the rapidity of their flight. Their prey is lodged in England; and the cries of India are given to seas and winds, to be blown about, in every breaking up of the monsoon, over a remote and unhearing ocean. In India all the vices operate, by which sudden fortune is acquired; in England are often displayed, by the same persons, the virtues which dispense hereditary wealth. Arrived in England, the destroyers of the nobility and gentry of a whole kingdom, will find the best company in this nation, at a board of elegance and hospitality. Here the manufacturer and husbandman will bless the just and punctual hand, that in India has torn the cloth from the loom, or wrested the scanty portion of rice and salt from the peasant of Bengal, or wrung from him the very opium in which he forgot his oppression and his oppressor. They marry into your families; they enter into your senate; they ease your estates by loans; they raise their value by demand; they cherish and protect your relations which lie heavy on your patronage; and there is scarcely an house in the kingdom that does not feel some concern and interest that makes all reform of our eastern government appear officious and disgusting; and, on the whole, a most discouraging attempt. In such an attempt you hurt those who are able to return kindness or to resent injury. If you succeed, you save those who cannot so much as give you thanks. All these things shew the difficulty of the work we have on hand; but they shew its necessity too. Our Indian government is in its best state a grievance. It is necessary that the correctives should be uncommonly vigorous; and the work of men sanguine, warm, and even impassioned in the cause. But it is an arduous thing to plead against abuses of a power which originates from your own country, and affects those whom we are used to consider as strangers.

Upon the plan which I laid down, and to which I beg leave to return, I was considering the conduct of the Company to those nations which are indirectly subject to their authority.

authority. The most considerable of the dependent Princes is the Nabob of Oude. My right honourable friend (Mr. Fox) to whom we owe the remedial bills on your table, has already pointed out to you, in one of the Reports, the condition of that Prince, and as it stood in the time he alluded to. I shall only add a few circumstances that may tend to awaken some sense of the manner in which the condition of the people is affected by that of the Prince, and involved in it; and to shew you, that when we talk of the sufferings of Princes, we do not lament the oppression of individuals; and that in these cases the high and the low suffer together.

In the year 1779, the Nabob of Oude represented, through the British resident at his court, that the number of the Company's troops stationed in his dominions, was a main cause of his distress; and that all those which he was not bound by treaty to maintain should be withdrawn, as they had greatly diminished his revenue, and impoverished his country. I will read you, if you please, a few extracts from these representations.

He states "that the country and cultivation are abandoned; and this year in particular, from the excessive drought of the season, deductions of many lacks having been allowed to the farmers, who are still left unsatisfied;" and then he proceeds with a long detail of his own distress, and that of his family, and all his dependants; and adds, "that the new-raised brigade is not only quite useless to my government, but is moreover the cause of much loss, both in revenues and customs. The detached body of troops under European officers, bring nothing *but confusion to the affairs of my government, and are entirely their own masters.*" Mr. Middleton, Mr. Hastings's confidential Resident, vouches for the truth of this representation in its fullest extent. "I am concerned to confess, that there is too good ground for this plea. *The misfortune has been general throughout the whole of the Vizier's (the Nabob of Oude) dominions, obvious to every body; and so fatal have been its consequences, that no person, of either credit or character, would enter into engagements with government for farming the country.*" He then proceeds to give strong instances of the general calamity, and its effects.

It was now to be seen what steps the Governor General and Council took for the relief of this distressed country, long labouring under the vexations of men, and now stricken

by the hand of God. The case of a general famine is known to relax the severity even of the most rigorous government. Mr. Hastings does not deny, or shew the least doubt of the fact. The representation is humble, and almost abject. On this representation from a great Prince, of the distress of his subjects, Mr. Hastings falls into a violent passion; such as (it seems) would be unjustifiable in any one who speaks of any part of *his* conduct. He declares, “that the *demanas*, the *tone* in which they were asserted, and the *season* in which they were made, are all equally alarming, and appear to him to require an adequate degree of firmness in this board, in *opposition* to them.” He proceeds to deal out very unreserved language, on the person and character of the Nabob and his Ministers. He declares, that in a division between him and the Nabob, “*the strongest must decide.*” With regard to the urgent and instant necessity, from the failure of the crops, he says, “that *perhaps* expedients *may be found* for affording a *gradual* relief from the burden of which he so heavily complains, and it shall be my endeavour to seek them out:” and, lest he should be suspected of too much haste to alleviate sufferings, and to remove violence, he says, “that these must be *gradually* applied, and their complete *effect* may be *distant*; and this, I conceive, *is all* he can claim of right.”

This complete effect of his lenity is distant indeed. Rejecting this demand (as he calls the Nabob's abject supplication) he attributes it, as he usually does all things of the kind, to the division in their government; and says, “this is a powerful motive with *me* (however inclined I might be, *upon any other occasion*, to yield to some part of his demand) to give them an *absolute and unconditional refusal* upon the present; and even *to bring to punishment*, if my influence can produce that effect, those incendiaries who have endeavoured to make themselves the instruments of division between us.”

Here, Sir, is much heat and passion; but no more consideration of the distress of the country, from a failure of the means of subsistence, and (if possible) the worse evil of an useless and licentious soldiery, than if they were the most contemptible of all trifles. A letter is written in consequence, in such a stile of lofty despotism, as I believe has hitherto been unexampled and unheard of in the records of the East. The troops were continued. The *gradual* relief, whose effect was to be so *distant*, has never been substantially and beneficially applied — and the country is ruined.

Mr.

Mr. Hastings, two years after, when it was too late, saw the absolute necessity of a removal of the intolerable grievance of this licentious soldiery, which, under a pretence of defending it, held the country under military execution. A new treaty and arrangement, according to the pleasure of Mr. Hastings, took place; and this new treaty was broken in the old manner, in every essential article. The soldiery were again sent, and again set loose. The effect of all his manœuvres, from which it seems he was sanguine enough to entertain hopes, upon the state of the country, he himself informs us, “the event has proved the *reverse* of these hopes, and *accumulation of distress, debasement, and dissatisfaction* to the Nabob, and *disappointment and disgrace* to me. Every measure (which he had himself proposed) had been *so conducted* as to give him cause of displeasure; there are no officers established by which his affairs could be regularly conducted; mean, incapable, and indigent men have been appointed. A number of the districts without authority, and without the means of personal protection; some of them have been murdered by the Zemindars, and those Zemindars, instead of punishment, have been permitted to retain their Zemindaries, with independent authority; *all* the other Zemindars suffered to rise up in rebellion, and to insult the authority of the Sircar, without any attempt made to suppress them; and the Company’s debt, instead of being discharged by the assignments and extraordinary sources of money provided for that *purpose*, is likely to exceed even the *amount at which it stood at the time in which the arrangement with his Excellency was concluded.*” The House will smile at the resource on which the Directors take credit as such a certainty in their curious account.

This is Mr. Hastings’s own narrative of the effects of his own settlement. This is the state of the country, which we have been told is in perfect peace and order; and, what is curious, he informs us, that *every part of this was foretold to him in the order and manner in which it happened*, at the very time he made his arrangement of men and measures.

The invariable course of the Company’s policy is this:— Either they set up some prince too odious to maintain himself without the necessity of their assistance, or they soon render him odious, by making him the instrument of their government. In that case, troops are bountifully sent to him to maintain his authority. That he should have no want of assistance, a civil gentleman, called a Resident, is kept

kept at his court, who, under the pretence of providing duly for the pay of these troops, gets assignments on the revenue into his hands. Under his provident management, debts soon accumulate; new assignments are made for these debts; until, step by step, the whole revenue, and with it the whole power of the country, is delivered into his hands. The military do not behold without a viruous emulation the moderate gains of the civil department. They feel that, in a country driven to habitual rebellion by the civil government, the military is necessary; and they will not permit their services to go unrewarded. Tracts of country are delivered over to their discretion. Then it is found proper to convert their commanding officers into farmers of revenue. Thus, between the well-paid civil, and well-rewarded military establishment, the situation of the natives may be easily conjectured. The authority of the regular and lawful government is every where, and in every point, extinguished. Disorders and violences arise; they are repressed by other disorders and other violences. Wherever the collectors of the revenue, and the farming colonels and majors, move, ruin is about them, rebellion before and behind them. The people in crowds fly out of the country; and the frontier is guarded by lines of troops, not to exclude an enemy, but to prevent the escape of the inhabitants.

By these means, in the course of not more than four or five years, this once-opulent and flourishing country, which, by the accounts given in the Bengal consultations, yielded more than three crore of Sicca rupees, that is, above three millions sterling, annually, is reduced, as far as I can discover, in a matter purposely involved in the utmost perplexity, to less than one million three hundred thousand pounds, and that exacted by every mode of rigour that can be devised. To compleat the business, most of the wretched remnants of this revenue are mortgaged, and delivered into the hands of the usurers at Benares, (for there alone are to be found some lingering remains of the ancient wealth of these regions) at an interest of near *thirty per cent. per annum*.

The revenues, in this manner, failing, they seized upon the estates of every person of eminence in the country, and, under the name of *resumption*, confiscated their property. I wish, Sir, to be understood universally and literally, when I assert, that there is not left one man of property and substance,

stance, for his rank, in the whole of these provinces; in provinces which are nearly the extent of England and Wales taken together. Not one landholder, not one banker, not one merchant, not one even of those who usually perish last, the *ultimum moriens* in a ruined state, no one farmer of revenue.

One country for a while remained, which stood as an island in the midst of the grand waste of the Company's dominion. My right honourable friend, in his admirable speech on moving the bill, just touched the situation, the offences, and the punishment, of a native prince, called Fizulla Khân. This man, by policy and force, had protected himself from the general extirpation of the Rohilla chiefs. He was secured (if that were any security) by a treaty. It was stated to you, as it was stated by the enemies of that unfortunate man, "that the whole of his country is, what the whole country of the Rohillas *was*, cultivated like a garden, without one neglected spot in it." — Another accuser says, "Fizulla Khân, though a bad soldier, (that is the true source of his misfortune) has approved himself a good aumil; having, it is supposed, in the course of a few years, at least *doubled* the population and revenue of his country." In another part of the correspondence he is charged with making his country an asylum for the oppressed peasants, who fly from the territories of Oude. The improvement of his revenue, arising from this single crime, (which Mr. Hastings considers as tantamount to treason) is stated at an hundred and fifty thousand pounds a year.

Dr. Swift somewhere says, that he who could make two blades of grass grow where but one grew before, was a greater benefactor to the human race than all the politicians that ever existed. This prince, who would have been deified by antiquity, who would have been ranked with Osiris, and Bacchus, and Ceres, and the divinities most propitious to men, was, for those very merits, by name attacked by the Company's government, as a cheat, a robber, a traitor. In the same breath in which he was accused as a rebel, he was ordered at once to furnish 5000 horse. On delay, or (according to the technical phrase, when any remonstrance is made to them) "*on evasion*," he was declared a violator of treaties, and every thing he had was to be taken from him. — Not one word, however, of horse in this treaty.

The territory of this Fizulla Khân, Mr. Speaker, is less than the county of Norfolk. It is an inland country, full
seven-

seven hundred miles from any sea port, and not distinguished for any one considerable branch of manufacture whatsoever. From this territory a punctual payment was made to the British Resident of 150,000*l.* sterling a year. The demand of cavalry, without a shadow or decent pretext of right, amounted to three hundred thousand a year more, at the lowest computation; and it is stated, by the last person sent to negotiate, as a demand of little use, if it could be complied with; but that the compliance was impossible, as it amounted to more than his territories could supply, if there had been no other demand upon him — Four hundred and fifty thousand pounds a year from an inland country not so large as Norfolk!

The thing most extraordinary was, to hear the culprit defend himself from the imputation of his virtues, as if they had been the blackest offences. He extenuated the superior cultivation of his country. He denied its population. He endeavoured to prove that he had often sent back the poor peasant that sought shelter with him. — I can make no observation on this.

After a variety of extortions and vexations, too fatiguing to you, too disgusting to me, to go through with, they found “that they ought to be in a better state to warrant forcible means;” they therefore contented themselves with a gross sum of 150,000*l.* for their present demand. They offered him indeed an indemnity from their exactions in future, for 30,000*l.* more: but he refused to buy their securities, pleading (probably with truth) his poverty: but if the plea was not founded, in my opinion, very wisely; not chusing to deal any more in that dangerous commodity of the Company’s faith, and thinking it better to oppose distress and unarmed obstinacy to uncoloured exaction, than to subject himself to be considered as a cheat, if he should make a treaty in the least beneficial to himself. Thus they executed an exemplary punishment on Fizulla Khân for the culture of his country. But, conscious that the prevention of evils is the great object of all good regulation, they deprived him of the means of increasing that criminal cultivation in future, by exhausting his coffers; and, that the population of his country should no more be a standing reproach and libel on the Company’s government, they bound him, by a positive engagement, not to afford any shelter whatsoever to the farmers and labourers who should seek refuge in his territories, from the exactions of the British Resident.

Residents in Oude. When they had done all this effectually, they gave him a full and complete acquittance from all charges of rebellion, or of any intention to rebel, or of his having originally had any interest in, or any means of rebellion.

These intended rebellions are one of the Company's standing resources. When money has been thought to be heaped up any where, its owners are universally accused of rebellion, until they are acquitted of their money and their treasons at once. The money once taken, all accusation, trial, and punishment ends. It is so settled a resource, that I rather wonder how it comes to be omitted in the Directors' account; but I take it for granted this omission will be supplied in their next edition. The Company stretched this resource to the full extent, when they accused two old women, in the remotest corner of India (who could have no possible view or motive to raise disturbances) of being engaged in rebellion, with an intent to drive out the English nation, in whose protection, purchased by money and secured by treaty, rested the sole hope of their existence. But the Company wanted money, and the old women *must* be guilty of a plot.

They were accused of rebellion, and they were convicted of wealth. Twice had great sums been extorted from them, and as often had the British faith guaranteed the remainder. A body of British troops, with one of the military farmers general at their head, was sent to seize upon the castle in which these helpless women resided. Their chief eunuchs, who were their agents, their guardians, protectors, persons of high rank, according to the Eastern manners, and of great trust, were thrown into dungeons, to make them discover their hidden treasures; and there they lie at present. The lands assigned for the maintenance of the women were seized and confiscated. Their jewels and effects were taken, and set up to a pretended auction in an obscure place, and bought at such a price as the gentlemen thought proper to give. No account has ever been transmitted of the articles or produce of this sale. What money was obtained is unknown, or what terms was stipulated for the maintenance of these despoiled and forlorn creatures; for by some particulars it appears as if an engagement of the kind was made.

Let me here remark, once for all, that though the act of 1773 requires that an account of all proceedings should

be diligently transmitted, that this, like all the other injunctions of the law, is totally despised; and that half, at least, of the most important papers are intentionally withheld.

I wish you, Sir, to advert, particularly, in this transaction, to the quality and the numbers of the persons spoiled, and the instrument by whom that spoil was made. These ancient matrons, called the Begums or Princesses, were of the first birth and quality in India, the one mother, the other wife, of the late Nabob of Oude, Sujah Dowlah, a Prince possessed of extensive and flourishing dominions, and the second man in the Mogul empire. The Prince (suspicious, and not unjustly suspicious, of his son and successor) at his death committed his treasures and his family to the British faith. That family and household, consisted of *two thousand women*; to which were added two other seraglios of near kindred, and said to be extremely numerous, and (as I am well informed) of about fourscore of the Nabob's children, with all eunuchs, the ancient servants, and a multitude of the dependants of his splendid court. These were all to be provided, for present maintenance and future establishment, from the lands assigned as dower, and from the treasures which he left to these matrons, in trust for the whole family.

So far as to the objects of the spoil. The *instrument* chosen by Mr. Hastings to despoil the relict of Sujah Dowlah, was *her own son*, the reigning Nabob of Oude. It was the pious hand of a son that was selected to tear from his mother and grandmother the provision of their age, the maintenance of his brethren, and of all the ancient household of his father. [Here a laugh from some young members] The laugh is *seasonable*, and the occasion decent and proper.

By the last advices, something of the sum extorted remained unpaid. The women in despair refuse to deliver more, unless their lands are restored and their ministers released from prison: but Mr. Hastings and his Council, steady to their point, and consistent to the last in their conduct, write to the Resident to stimulate the son to accomplish the filial acts he had brought so near to their perfection. "We desire," say they, in their letter to the Resident (written so late as March last) "that you will inform us if any, and what, means have been taken for recovering the balance due from the Begum [Princess] at Fyzabad;

Fizabad; and that, if necessary, you *recommend* it to the Vizier to enforce *the most effectual means* for that purpose."

What their effectual means of enforcing demands on women of high rank and condition are, I shall shew you, Sir, in a few minutes; when I represent to you another of these plots and rebellions, which *always*, in India, though so *rarely* any where else, are the offspring of an easy condition, and hoarded riches.

Benares is the capital city of the Indian religion. It is regarded as holy by a particular and distinguished sanctity; and the Gentils in general think themselves as much obliged to visit it once in their lives as the Mahometans to perform their pilgrimage to Mecca. By this means that city grew great in commerce and opulence; and so effectually was it secured by the pious veneration of that people, that in all violences of power, there was so sure an asylum, both for poverty and wealth, (as it were under a divine protection) that the wisest laws and best-assured free constitution could not better provide for the relief of the one, or the safety of the other; and this tranquillity influenced to the greatest degree the prosperity of all the country, and the territory of which it was the capital. The interest of money there was not more than half the usual rate in which it stood in all other places. The Reports have fully informed you of the means and of the terms in which this city and territory called Gazipour, of which it was the head, came under the sovereignty of the East-India Company.

If ever there was a subordinate dominion pleasantly circumstanced to the superior power, it was this: a large rent or tribute, to the amount of two hundred and sixty thousand pounds a year, was paid in monthly instalments with the punctuality of a dividend at the Bank. If ever there was a Prince who could not have an interest in disturbances, it was its sovereign, the Rajah Cheit Sing. He was in possession of the capital of his religion, and a willing revenue was paid by the devout people who resorted to him from all parts. His sovereignty and his independence, except his tribute, was secured by every tie. His territory was not much less than half of Ireland, and displayed, in all parts, a degree of cultivation, ease, and plenty, under his frugal and paternal management, which left them nothing to desire, either for honour or satisfaction.

This was the light in which this country appeared to almost every eye. But Mr. Hastings beheld it askance. Mr.

Hastings tells us that it was *reported* of this Cheit Sing, that his father left him a million sterling, and that he made annual accessions to the hoard. Nothing could be so obnoxious to indigent power. So much wealth could not be innocent. The House is fully acquainted with the unfounded and unjust requisitions which were made upon this prince. The question has been most ably and conclusively cleared up in one of the reports of the Select Committee, and in an answer to the Court of Directors to an extraordinary publication against them by their servant, Mr. Hastings. But I mean to pass by these exactions, as if they were perfectly just and regular; and, having admitted them, I take what I shall now trouble you with, only as it serves to shew the spirit of the Company's government, the mode in which it is carried on, and the maxims on which it proceeds.

Mr. Hastings, from whom I take the doctrine, endeavours to prove that Cheit Sing was no sovereign prince; but a mere zemindar or common subject, holding land by rent. If this be granted to him, it is next to be seen under what terms he is of opinion such a landholder, that is a British subject, holds his life and property under the Company's government. It is proper to understand well the doctrines of the person whose administration has lately received such distinguished approbation from the Company. His doctrine is, "that the Company, or the *person delegated by it*, holds *an absolute* authority over such zemindars; that he (such a subject) owes *an implicit* and *unreserved* obedience to its authority, at the *forfeiture* even of his *life* and *property*, at the DISCRETION of those who held or *fully represented* the sovereign authority; and that these rights are *fully delegated* to him, Mr. Hastings."

Such is a British governor's idea of the condition of a great zemindar holding under a British authority; and this kind of authority he supposes fully delegated to him; though no such delegation appears in any commission, instruction, or act of parliament. At his *discretion* he may demand, of the substance of any Zemindar over and above his rent or tribute, even what he pleases, with a sovereign authority; and if he does not yield an *implicit, unreserved* obedience to all his commands, he forfeits his lands, his life, and his property, at Mr. Hastings's *discretion*. But, extravagant and even frantic as these positions appear, they are less so than what I shall now read to you; for he asserts, that if any one should urge an exemption from more than a stated payment, or
should

should consider the deeds, which passed between him and the board, "as bearing *the quality and force* of a treaty between equal states," he says, "that such an opinion is itself criminal to the state of which he is a subject; and that he was himself amenable to its justice, if he gave *countenance* to such a *belief*." Here is a new species of crime invented, that of countenancing a belief; but a belief of what? A belief of that which the Court of Directors, Hastings's masters, and a Committee of this House, have decided as this prince's indisputable right.

But supposing the Rajah of Benares to be a mere subject, and that subject a criminal of the highest form; let us see what course was taken by an upright English magistrate. Did he cite this culprit before his tribunal? Did he make a charge? Did he produce witnesses? These are not forms; they are parts of substantial and eternal justice. No, not a word of all this. Mr. Hastings concludes him, *in his own mind*, to be guilty; he makes this conclusion on reports, on hear-says, on appearances, on rumours, on conjectures, on presumptions; and even these never once hinted to the party, nor publicly to any being, till the whole business was done.

But the Governor tells you his motive for this extraordinary proceeding, so contrary to every mode of justice towards either a prince or a subject, fairly and without disguise; and he puts into your hands the key of his whole conduct: "I will suppose, for a moment, that I have acted with unwarrantable rigour towards Cheit Sing, and even with injustice. Let my **MOTIVE** be consulted. I left Calcutta, impressed with a belief that *extraordinary means* were necessary, and those exerted with a *steady hand*, to preserve the Company's *interests from sinking under the accumulated weight which oppressed them*. I saw a *political necessity* for curbing the *overgrown* power of a great member of their dominion, and for *making it contribute to the relief of their pressing exigencies*." This is plain speaking; after this, it is no wonder that the Rajah's wealth and his offence, the necessities of the judge, and the opulence of the delinquent, are never separated, through the whole of Mr. Hastings's apology. "The justice and policy of exacting a large pecuniary mulct." The resolution "to draw from his guilt the means of relief to the Company's disresses." His determination "to make him pay largely for his pardon, or to execute a severe vengeance for past delinquency." That "as his *wealth was great*, and the
Company's

Company's exigencies pressing, he thought it a measure of justice and policy to exact from him a large pecuniary mulct for *their relief*." The sum (says Mr. Wheeler, bearing evidence, at his desire, to his intentions) "to which the Governor declared his resolution to extend his fine, was forty or fifty lacks, that is, *four or five hundred thousand pounds*; and that if he refused, he was to be removed from his zemindary entirely; or by taking possession of his forts, to obtain, *out of the treasure deposited in them*, the above sum for the Company."

Crimes so convenient, crimes so politic, crimes so necessary, crimes so alleviating of distress, can never be wanting to those who use no process, and who produce no proofs.

But there is another serious part (what is not so?) in this affair. Let us suppose that the power, for which Mr. Hastings contends, a power which no sovereign ever did, or ever can vest in any of his subjects, namely, his own sovereign authority, to be conveyed by the act of parliament to any man or body of men whatsoever; it certainly was never given to Mr. Hastings. The powers given by the act of 1773, were formal and official; they were given, not to the Governor General, but to the major vote of the board, as a board, on discussion amongst themselves, in their public character and capacity; and their acts in that character and capacity were to be ascertained by records and minutes of council. The despotic acts exercised by Mr. Hastings were done *merely* in his private character; and, if they had been moderate and just, would still be the acts of an usurped authority, and without any one of the legal modes of proceeding which could give him competence for the most trivial exertion of power. There was no proposition or deliberation whatsoever in council, no minute on record, by circulation or otherwise, to authorize his proceedings. No delegation of power to impose a fine, or take any step to deprive the Rajah of Benares of his government, his property, or his liberty. The minutes of consultation assign to his journey a totally different object, duty, and destination. Mr. Wheeler, at his desire, tells us, long after, that he had a confidential conversation with him on various subjects, of which this was the principal, in which Mr. Hastings notified to him his secret intentions; "and that he *bespoke* his support of the measures which he intended to pursue towards him (the Rajah.)" This confidential discourse, and *bespeaking* of support, could give him no power, in opposition to an express act of parliament,

parliament, and the whole tenour of the order of the Court of Directors.

In what manner the powers thus usurped were employed, is known to the whole world. All the House knows, that the design on the Rajah proved as unfruitful as it was violent. The unhappy prince was expelled, and his more unhappy country was enslaved and ruined; but not a rupee was acquired. Instead of treasure to recruit the Company's finances, wasted by their wanton wars and corrupt jobbs, they were plunged into a new war, which shook their power in India to its foundation, and to use the Governor's own happy simile, might have dissolved it like a magic structure, if the talisman had been broken.

But the success is no part of my consideration, who should think just the same of this business, if the spoil of one Rajah had been fully acquired, and faithfully applied to the destruction of twenty other Rajahs. Not only the arrest of the Rajah in his palace was unnecessary and unwarrantable, and calculated to stir up any manly blood which remained in his subjects; but the despotic style, and the extreme insolence of language and demeanour, used to a person of great condition among the politest people in the world, was intolerable. Nothing aggravates tyranny so much as contumely. *Quicquid superbia in contumeliis* was charged by a great man of antiquity, as a principal head of offence against the Governor General of that day. The unhappy people were still more insulted. A relation, but an *enemy* to the family, a notorious robber and villain, called Ussaun Sing, kept as a hawk in a mew, to fly upon this nation, was set up to govern there, instead of a prince honoured and beloved. But when the business of insult was accomplished, the revenue was too serious a concern to be entrusted to such hands. Another was set up in his place as guardian to an infant.

But here, Sir, mark the effect of all these *extraordinary* means, of all this policy and justice. The revenues which had been hitherto paid with such astonishing punctuality, fell into arrear. The new prince guardian was deposed without ceremony; and with as little, cast into prison. The government of that once-happy country has been in the utmost confusion ever since such good order was taken about it. But, to complete the contumely offered to this undone people, and to make them feel their servitude in all its degradation, and all its bitterness, the government of their sacred city, the government of that Benares which had

had been so respected by Persian and Tartar conquerors, though of the Mussulman persuasion, that, even in the plenitude of their pride, power, and bigotry, no magistrate of that sect entered the place, was now delivered over by English hands to a Mahometan; and an Ali Ibrahim Khân was introduced, under the Company's authority, with power of life and death, into the sanctuary of the Geptû religion.

After this, the taking off a slight payment, cheerfully made by pilgrims to a chief of their own rites, was represented as a mighty benefit. It remains only to shew, through the conduct in this business, the spirit of the Company's government, and the respect they pay towards other prejudices not less regarded in the East than those of religion; I mean the reverence paid to the female sex in general, and particularly to women of high rank and condition. During the general confusion of the country of Gazypore, Panna, the mother of Cheit Sing, was lodged with her train in a castle called Bidge Gur, in which were likewise deposited a large portion of the treasures of her son, or more probably her own. To whomsoever they belonged was indifferent; for, though no charge of rebellion was made on this woman (which was rather singular, as it would have cost nothing) they were resolved to secure her with her fortune. The castle was besieged by Major Popham.

There was no great reason to apprehend that soldiers ill paid, that soldiers who thought they had been defrauded of their plunder on former services of the same kind, would not have been sufficiently attentive to the spoil they were expressly come for; but the gallantry and generosity of the profession was justly suspected, as being likely to set bounds to military rapaciousness. The Company's first civil magistrate discovered the greatest uneasiness lest the women should have any thing preserved to them. Terms, tending to put some restraint on military violence, were granted. He writes a letter to Mr. Popham, referring to some letter written before to the same effect, which I do not remember to have seen; but it shews his anxiety on this subject. Hear himself: — "I think *every* demand she has made on you, except that of safety and respect to her person, is unreasonable. If the reports brought to me are true, your rejecting her offers, or *any negotiation*, would soon obtain you the fort upon your own terms. I apprehend she will attempt to defraud the captors of a considerable part of their booty, by being

2

suffered

suffered to retire without examination. But this is your concern, not mine. I should *be very sorry* that your officers and soldiers lost *any* part of the reward to which they are so well entitled; but you must be the best judge of the *promised* indulgence to the Ranny: what you have engaged for I will certainly ratify; but as to suffering the Ranny to hold the purgunna of Hurlich, or any other zemindary, without being subject to the authority of the zemindar, *or any lands whatsoever*, or indeed making *any* condition with her for a *provision*, I will *never* consent."

Here your Governor stimulates a rapacious and licentious soldiery to the personal search of women, lest these unhappy creatures should avail themselves of the protection of their sex to secure any supply for their necessities; and he positively orders that no stipulation should be made for any provision for them. The widow and mother of a prince, well informed of her miserable situation, and the cause of it, a woman of this rank became a suppliant to the domestic servant of Mr. Hastings; (they are his own words that I read); "imploring his intercession, that she may be relieved *from the hardships and dangers of her present situation*; and offering to surrender the fort, and the *treasure and valuable effects contained in it*, provided she can be assured *of safety and protection to her person and honour*, and to that of her family and attendants." He is so good as to consent to this, "provided she surrenders every thing of value, with the reserve *only* of such articles as *you* shall think *necessary* to her condition, or as *you yourself* shall be disposed to indulge her with. But should she refuse to execute the promise she has made, or delay it beyond the term of twenty-four hours, it is *my positive* injunction, that you immediately put a stop to any farther intercourse or negotiation with her, and on no pretext renew it. If she disappoints or *trifles* with me, after I have subjected *my Duan* to the disgrace of returning ineffectually, and of courting myself to discredit, I shall consider it as a *wanton affront and indignity, which I can never forgive*; nor will I grant her *any* conditions whatever, but leave her exposed to *those* dangers which she has chosen to risk, rather than trust to the clemency and generosity of our government. I think she cannot be ignorant of these consequences, and will not venture to incur them; and it is for this reason I place a dependence on her offers, and have consented to send my Duan to her." The dreadful secret hinted at by the merciful Governor in the latter part of the letter, is well understood in

India; where those who suffer corporeal indignities, generally expiate the offences of others with their own blood. However, in spite of all these, the temper of the military did, some way or other, operate. They came to terms which have never been transmitted. It appears that a fifteenth *per cent.* of the plunder was reserved to the captives, of which the unhappy mother of the prince of Benares was to have a share. This ancient matron, born to better things — [A laugh from certain young gentlemen] — I see no cause for this mirth. A good author of antiquity reckons, among the calamities of his time, *Nobilissimarum fœminarum exilia et fugas*. I say, Sir, this ancient lady was compelled to quit her house with three hundred helpless women, and a multitude of children in her train; but the lower sort in the camp it seems could not be restrained. They did not forget the good lessons of the Governor General. They were unwilling “to be defrauded of a considerable part of their booty, by suffering them to pass without examination.” They examined them, Sir, with a vengeance; and the sacred protection of that awful character, Mr. Hastings’s maitre d’hotel, could not secure them from insult and plunder. Here is Popham’s narrative of the affair: — “The Ranny came out of the fort, with her family and dependants, the 10th, at night, owing to which, such attention was not paid to her as I wished; and I am exceedingly sorry to inform you, that the *licentiousness of our followers was beyond the bounds of control; for, notwithstanding all I could do, her people were plundered on the road of most of the things which they brought out of the fort, by which means one of the articles of surrender has been much infringed*. The distress I have felt upon this occasion cannot be expressed, and can only be allayed by a firm performance of the other articles of the treaty, which I shall make it my business to enforce.”

After this comes, in his due order, Mr. Hastings, who is full of sorrow and indignation, &c. &c. &c. according to the best and most authentic precedents established upon such occasions.

... Mr. Burke then shewed that the Company had derived no sort of advantage from these acts of violence. He then proceeded to state the condition of other subject countries....

A great master, Mr. Hastings, has himself been at the pains of drawing a picture of one of these countries, I mean the province and city of Farruckabad. There is no reason to question his knowledge of the facts; and his authority

(on

(on this point at least) is above all exception, as well for the state of the country, as for the cause. In this minute of consultation, Mr. Hastings describes forcibly the consequences which arise from the degradation into which we have sunk the native government. "The total want (says he) of all order, regularity, or authority, in his (the Nabob of Farruckabad's) government, and to which, among other obvious causes, it may no doubt be owing, that the country of Farruckabad is become *almost an entire waste, without cultivation or inhabitants*; that the capital, which, but a very short time ago, was distinguished as one of the most populous and opulent commercial cities in Hindostan, at present exhibits nothing but *scenes of the most wretched poverty, desolation, and misery*; and that the Nabob himself, though in the possession of a tract of country, which, with only common care, is notoriously capable of yielding an annual revenue of between thirty and forty lacks, (three or four hundred thousand pounds) with *no military establishment* to maintain, scarcely commands *the means of a bare subsistence*."

This is a true and unexaggerated picture, not only of Farruckabad, but of at least three-fourths of the country which we possess, or, rather, lay waste, in India. Now, Sir, the House will be desirous to know for what purpose this picture was drawn. It was for a purpose, I will not say laudable, but necessary, that of taking the unfortunate prince and his country out of the hands of a sequestrator sent thither by the Nabob of Oude, the mortal enemy of the prince thus ruined, and to protect him by means of a British Resident, who might carry his complaints to the superior Resident at Oude, or transmit them to Calcutta. But mark how the reformer persisted in his reformation. The effect of the measure was better than was probably expected. The prince began to be at ease; the country began to recover; and the revenue began to be collected. These were alarming circumstances. Mr. Hastings not only recalled the Resident, but he entered into a formal stipulation with the Nabob of Oude, never to send an English subject again to Farruckabad: and thus the country, described as you have heard by Mr. Hastings, is given up for ever to the very persons to whom he had attributed its ruin, that is, to the Sezawals or sequestrators of the Nabob of Oude.

It is only to complete the view I proposed of the conduct of the Company, with regard to the dependent provinces, that

that I shall say *any* thing at all of the Carnatic, which is the scene, if possible, of greater disorder than the northern provinces. Perhaps it were better to say of this center and metropolis of abuse, whence all the rest in India and in England diverge; from whence they are fed and methodized, what was said of Carthage—*de Carthagine satius est filere quam parum dicere*. This country, in all its denominations, is about 46,000 square miles. It may be affirmed universally, that not one person of substance or property, landed, commercial, or monied, excepting two or three bankers, who are necessary deposits and distributors of the general spoil, is left in all that region. In that country the moisture, the bounty of Heaven, is given but at a certain season. Before the æra of our influence, the industry of man carefully husbanded that gift of God. The Gentûs preserved, with a provident and religious care, the precious deposit of the periodical rain in reservoirs, many of them works of royal grandeur; and from these, as occasion demanded, they fructified the whole country. To maintain these reservoirs, and to keep up an annual advance to the cultivators, for seed and cattle, formed a principal object of the piety and policy of the priests and rulers of the Gentû religion.

This object required a command of money; and there was no Pollam, or castle, which in the happy days of the Carnatic was without some hoard of treasure, by which the governors were enabled to combat with the irregularity of the seasons, and to resist or to buy off the invasion of an enemy. In all the cities were multitudes of merchants and bankers, for all occasions of monied assistance; and, on the other hand, the native princes were in condition to obtain credit from them. The manufacturer was paid by the return of commodities, or by imported money, and not, as at present, in the taxes that had been originally exacted from his industry. In aid of casual distress, the country was full of choultries, which were inns and hospitals, where the traveller and the poor were relieved. All ranks of people had their place in the public concern, and their share in the common stock and common prosperity; but *the chartered rights of men*, and the right which it was thought proper to set up in the Nabob of Arcot, introduced a new system. It was their policy to consider hoards of money as crimes; to regard moderate rents as frauds on the sovereign; and to view, in the lesser princes, any claim
of

of exemption from more than settled tribute, as an act of rebellion. Accordingly all the castles were, one after the other, plundered and destroyed. The native princes were expelled; the hospitals fell to ruin; the reservoirs of water went to decay; the merchants, bankers, and manufacturers disappeared; and sterility, indigence, and depopulation, overspread the face of these once-flourishing provinces.

The Company was very early sensible of these mischiefs, and of their true cause. They gave precise orders, "That the native princes, called Polygars, should *not be extirpated*. That the rebellion (so they chose to call it) of the Polygars, may, they fear, *with too much justice*, be attributed to the mal-administration of the Nabob's collectors." That "they observe with concern, that their troops have been put to *disagreeable services*." They might have used a stronger expression without impropriety. But they make amends in another place. Speaking of the Polygars, the Directors say, that "it was repugnant to humanity to *force* them to such dreadful extremities *as they underwent*." That some examples of severity *might* be necessary, "when they fell into the Nabob's hands," *and not by the destruction of the country*. "That *they fear* his government is *none of the mildest*; and that there is *great oppression* in collecting his revenues." They state, that the wars in which he has involved the Carnatic, had been a cause of its distresses. "That these distresses have been certainly great; but those by *the Nabob's oppressions* we believe to be *greater than all*." Pray, Sir, attend to the reason for their opinion that the government of this their instrument is more calamitous to the country than the ravages of war. Because, say they, his oppressions are "*without intermission*." The others are temporary; by all which *oppressions* we believe the Nabob has great wealth in store." From this store neither he nor they could derive any advantage whatsoever, upon the invasion of Hyder Ali in the hour of their greatest calamity and dismay.

It is now proper to compare these declarations with the Company's conduct. The principal reason which they assigned against the *extirpation* of the Polygars was, that the *weavers* were protected in their fortresses. They might have added, that the Company itself, which stung them to death, had been warmed in the bosom of these unfortunate princes: for, on the taking of Madras by the French,
it

it was in their hospitable Pollams, that most of the inhabitants found refuge and protection. But, notwithstanding all these orders, reasons, and declarations, they at length gave an indirect sanction, and permitted the use of a very direct and irresistible force, to measures which they had, over and over again, declared to be false policy, cruel, inhuman, and oppressive. Having, however, forgot all attention to the princes and the people, they remembered that they had some sort of interest in the trade of the country; and it is matter of curiosity to observe the protection which they afforded to this their natural object.

Full of anxious cares on this head, they direct, “that in reducing the Polygars, they (their servants) were to be *cautious*, not to deprive the *weavers and manufacturers* of the protection they often met with in the strong holds of the Polygar countries;”—and they write to their instrument, the Nabob of Arcot, concerning these poor people in a most pathetic strain. “We *entreat* your Excellency, say they, in particular, to make the manufacturers the object of your *tenderest care*; particularly when you root out the Polygars, you do not deprive the *weavers of the protection they enjoyed under them*.” When they root out the protectors in favour of the oppressor, they shew themselves religiously cautious of the rights of the protected. When they extirpate the shepherd and the shepherd’s dogs, they piously recommend the helpless flock to the mercy, and even to the *tenderest care*, of the wolf. This is the uniform strain of their policy, strictly forbidding, and at the same time strenuously encouraging and enforcing, every measure that can ruin and desolate the country committed to their charge. After giving the Company’s idea of the government of this their instrument, it may appear singular, but it is perfectly consistent with their system, that, besides wasting for him, at two different times, the most exquisite spot upon the earth, Tanjore, and all the adjacent countries, they have even voluntarily put their own territory, that is, a large and fine country adjacent to Madras, called their Jaghire, wholly out of their protection; and have continued to farm their subjects, and their duties towards these subjects, to that very Nabob, whom they themselves constantly represent as an habitual oppressor, and a relentless tyrant. This they have done without any pretence of ignorance of the objects of oppression for which this prince has thought fit to become their reuter; for he has again and again told them,

them, that it is for the sole purpose of exercising authority he holds the Jaghire lands; and he affirms, and I believe with truth, that he pays more for that territory than the revenues yield. This deficiency he must make up from his other territories; and thus, in order to furnish the means of oppressing one part of the Carnatic, he is led to oppress all the rest.

And now I ask, whether, with this map of misgovernment before me, I can suppose myself bound by my vote to continue, upon any principles of pretended public faith, the management of these countries in those hands. If I kept such a faith (which in reality is no better than a *fides latronum*) with what is called the Company, I must break the faith, the covenant, the solemn, original, indispensable oath, in which I am bound, by the eternal frame and constitution of things, to the whole human race.

As I have dwelt so long on these who are indirectly under the Company's administration, I will endeavour to be a little shorter upon the countries immediately under this charter government. These are the Bengal provinces. The condition of these provinces is pretty fully detailed in the Sixth and Ninth Reports, and in their Appendixes. I will select only such principles and instances as are broad and general. To your own thoughts I shall leave it, to furnish the detail of oppressions involved in them. I shall state to you, as shortly as I am able, the conduct of the Company: first, towards the landed interests; next, the commercial interests; thirdly, the native government; and lastly, to their own government.

Bengal, and the provinces that are united to it, are larger than the kingdom of France; and once contained, as France does contain, a great and independent landed interest, composed of princes, of great lords, of a numerous nobility and gentry, of freeholders, of lower tenants, of religious communities, and public foundations. So early as 1769, the Company's servants perceived the decay into which these provinces had fallen under English administration, and they made a strong representation upon this decay, and what they apprehended to be the causes of it. Soon after Mr. Hastings became president of Bengal. Instead of administering a remedy, upon the heels of a dreadful famine, in the year 1772, the succour which the new President and the Council lent to this afflicted nation, was,—shall I be believed in relating it? The landed interest of a whole kingdom,

kingdom, of a kingdom to be compared to France, was set up to public auction! They set up (Mr. Hastings set up) the whole nobility, gentry, and freeholders, to the highest bidder. No preference was given to the ancient proprietors. They must bid against every usurer, every temporary adventurer, every jobber and schemer, every servant of every European, or they were obliged to content themselves, in lieu of their extensive domains, with their house, and such a pension as the state auctioneers thought fit to assign. In this general calamity, several of the first nobility thought, and in all appearance justly, that they had better submit to the necessity of this pension, than continue, under the name of Zemindars, the objects and instruments of a system, by which they ruined their tenants, and were ruined themselves. Another reform has since come upon the back of the first; and a pension having been assigned to these unhappy persons, in lieu of their hereditary lands, a new scheme of œconomy has taken place, and deprived them of that pension.

The menial servants of Englishmen, persons (to use the emphatical phrase of a ruined and patient Eastern chief) "*whose fathers they would not have set with the dogs of their flock,*" entered into their patrimonial lands. Mr. Hastings's banian was, after this auction, found possessed of territories yielding a rent of one hundred and forty thousand pounds a year.

Such an universal proscription, upon any pretence, has few examples. Such a proscription, without even a pretence of delinquency, has none. It stands by itself. It stands as a monument to astonish the imagination, to confound the reason of mankind. I confess to you, when I first came to know this business in its true nature and extent, my surprise did a little suspend my indignation. I was in a manner stupified by the desperate boldness of a few obscure young men, who, having obtained, by ways which they could not comprehend, a power, of which they saw neither the purposes nor the limits, tossed about, subverted, and tore to pieces, as if it were in the gambols of a boyish unluckiness and malice, the most established rights, and the most ancient and most revered institutions, of ages and nations. Sir, I will not now trouble you with any detail with regard to what they have since done with these same lands and landholders; only to inform you, that nothing has been suffered to settle for two seasons together
upon

upon any basis; and that the levity and inconstancy of these mock legislators were not the least afflicting parts of the oppressions suffered under their usurpation; nor will any thing give stability to the property of the natives, but an administration in England at once protecting and stable. The country sustains, almost every year, the miseries of a revolution. At present, all is uncertainty, misery, and confusion. There is to be found through these vast regions no longer one landed man, who is a resource for voluntary aid, or an object for particular rapine. Some of them were, not long since, great princes; they possessed treasures, they levied armies. There was a Zemindar in Bengal, I forget his name, that, on the threat of an invasion, supplied the Soubah of these provinces with the loan of a million sterling. The family this day wants credit for a breakfast at the bazar.

I shall now say a word or two on the Company's care of the commercial interest of those kingdoms. As it appears in the Reports, that persons in the highest stations in Bengal have adopted, as a fixed plan of policy, the destruction of all intermediate dealers between the Company and the manufacturer, native merchants have disappeared of course. The spoil of the revenues is the sole capital which purchases the produce and manufactures; and through three or four foreign companies transmits the official gains of individuals to Europe. No other commerce has an existence in Bengal. The transport of its plunder is the only traffic of the country. I wish to refer you to the Appendix to the Ninth Report for a full account of the manner in which the Company have protected the commercial interests of their dominions in the East.

In effect, Sir, every legal regular authority in matters of revenue, of political administration, of criminal law, of civil law, in many of the most essential parts of military discipline, is laid level with the ground; and an oppressive, irregular, capricious, unsteady, rapacious, and peculating despotism, with a direct disavowal of obedience to any authority at home, and without any fixed maxim, principle, or rule of proceeding, to guide them in India, is at present the state of your charter government over great kingdoms.

As the Company has made this use of their trust, I should ill discharge mine, if I refused to give my most cheerful vote for the redress of these abuses, by putting the affairs of so large and valuable a part of the interests of this nation,

returning with vast fortunes to Europe in the prime of life. He has then two hundred and fifty of your children as his hostages for your good behaviour; and loaded for years, as he has been, with the execrations of the natives, with the censures of the Court of Directors, and struck and blasted with resolutions of this House, he still remains the most despotic power known in India. He domineers with an overbearing sway in the assemblies of his pretended masters; and it is thought in a degree rash to venture to name his offences in this House, even as grounds of a legislative remedy.

On the other hand, consider the fate of those who have met with the applauses of the Directors. Colonel Monson, one of the best of men, had his days shortened by the applauses, destitute of the support, of the Company. General Clavering, whose panegyric was made in every dispatch from England, whose hearse was bedewed with the tears, and hung round with eulogies of the Court of Directors, burst an honest and indignant heart at the treachery of those who ruined him by their praises. Uncommon patience and temper, supported Mr. Francis a while longer under the baneful influence of the commendation of the Court of Directors. His health however gave way at length; and, in utter despair he returned to Europe. At his return the doors of the India House were shut to this man, who had been the object of their constant admiration. He has indeed escaped with life, but he has forfeited all expectation of credit, consequence, party, and following. He may well say, *Me nemo ministro fur erit, atque ideo nulli comes exeo*. This man, whose deep reach of thought, whose large legislative conceptions, and whose grand plans of policy, makes the most shining part of our Reports, from whence we have all learned our lessons, if we have learned any good ones; this man, from whose materials those gentlemen who have least acknowledged it have yet spoken as from a brief; this man, driven from his employment discountenanced by the Directors, has had no other reward, and no other distinction, but that inward "sunshine of the soul" which a good conscience can always bestow upon itself. He has not yet had so much as a good word, but from a person too insignificant to make any other return for the means with which he has been furnished for performing his share of a duty which is equally urgent on us all.

Add to this, that from the highest in place to the lowest, every British subject, who in obedience to the Company's orders

orders, has been active in the discovery of peculations, has been ruined. They have been driven from India. When they made their appeal at home they were not heard; when they attempted to return they were stopped. No artifice of fraud, no violence of power, has been omitted, to destroy them in character as well as in fortune.

Worse, far worse, has been the fate of the poor creatures, the natives of India, whom the hypocrisy of the Company has betrayed into complaint of oppression, and discovery of peculation. The first women in Bengal, the Ranni of Rajeshahi, the Ranni of Burdwan, the Ranni of Amboa, by their weak and thoughtless trust in the Company's honour and protection, are utterly ruined: the first of these women, a person of princely rank, and once of correspondent fortune, who paid above two hundred thousand a year quit-rent to the state, is, according to very credible information, so completely beggared as to stand in need of the relief of alms. Mahomed Reza Khân, the second Mussulman in Bengal, for having been distinguished by the ill-omened honour of the countenance and protection of the Court of Directors, was, without the pretence of any enquiry whatsoever into his conduct, stripped of all his employments, and reduced to the lowest condition. His ancient rival for power, the Rajah Nundcomar, was, by an insult on every thing which India holds respectable and sacred, hanged in the face of all his nation, by the judges you sent to protect that people; hanged for a pretended crime, upon an *ex post facto* British act of Parliament, in the midst of his evidence against Mr. Hastings. The accuser they saw hanged. The culprit, without acquittal or enquiry, triumphs on the ground of that murder; a murder not of Nundcomar only, but of all living testimony, and even of evidence yet unborn. From that time, not a complaint has been heard from the natives against their Governors. All the grievances of India have found a complete remedy.

Men will not look to acts of Parliament, to regulations, to votes, and resolutions. No; they are not such fools. They will ask, what is the road to power, credit, wealth, and honours? They will ask, what conduct ends in neglect, disgrace, poverty, exile, prison, and gibbet? These will teach them the course which they are to follow. It is your distribution of these that will give the character and tone to your government. All the rest is miserable grimace.

This,

This, Sir, has been their conduct: and it has been the result of the alteration which was insensibly made in their constitution. The change was made insensibly; but it is now strong and adult, and as public and declared, as it is fixed beyond all power of reformation. So that there is none who hears me, that is not as certain as I am, that the Company, in the sense in which it was formerly understood, has no existence. The question is, what injury you may do to the Proprietors of India stock; for there are no such men to be injured. If the active ruling part of the Company who form the general court, who fill the offices, and direct the measures (the rest tell for nothing) were persons who held their stock as a means of their subsistence, who in the part they took were only concerned in the government of India, for the rise or fall of their dividend, it would be indeed a defective plan of policy. The interest of the people who are governed by them would not be their primary object; perhaps a very small part of their consideration at all. But then they might well be depended on, and, perhaps, more than persons in other respects preferable, for preventing the peculations of their servants to their own prejudice. Such a body would not easily have left their trade as a spoil to the avarice of those who received their wages. But now things are totally reversed. The stock is of no value, whether it be the qualification of a Director or Proprietor; and it is impossible that it should. A Director's qualification may be worth about two thousand five hundred pounds—and the interest, at eight *per cent.*, is about one hundred and sixty pounds a year. Of what value is that, whether it rise to ten, or fall to six, or to nothing, to him whose son, before he is in Bengal two months, and before he descends the steps of the Council Chamber, sells the grant of a single contract for forty thousand pounds? Accordingly the stock is bought up in qualifications. The vote is not to protect the stock, but the stock is bought to acquire the vote; and the end of the vote is to cover and support, against justice, some man of power who has made an obnoxious fortune in India; or to maintain in power those who are actually employing it in the acquisition of such a fortune; and to avail themselves in return of his patronage, that he may shower the spoils of the East, “barbaric pearl and gold,” on them, their families, and dependents. So that all the relations of the Company are not only changed, but inverted. The servants in India are
not

not appointed by the Directors, but the Directors are chosen by them. The trade is carried on with their capitals. To them the revenues of the country are mortgaged. The seat of the supreme power is in Calcutta. The house in Leadenhall-street is nothing more than a change for their agents, factors, and deputies, to meet in, to take care of their affairs, and support their interests; and this so avowedly, that we see the known agents of the delinquent servants marshalling and disciplining their forces, and the prime spokesmen in all their assemblies.

... He then shewed at large the bold and successful resistance made by the Company to the endeavours of Parliament to reform their servants. . . .

I therefore conclude, says he, what you all conclude, that this body, being totally perverted from the purposes of its institution, is utterly incorrigible; and because they are incorrigible, both in conduct and constitution, power ought to be taken out of their hands; just on the same principles on which have been made all the just changes and revolutions of government that have taken place since the beginning of the world.

I will now say a few words to the general principle of the plan which is set up against that of my right honourable friend. It is to re-commit the government of India to the Court of Directors. Those who would commit the reformation of India to the destroyers of it, are the enemies to that reformation. They would make a distinction between Directors and Proprietors, which, in the present state of things, does not, cannot exist. But a right honourable gentleman says, he would keep the present government of India in the Court of Directors; and would, to curb them, provide salutary regulations; — wonderful! That is, he would appoint the old offenders to correct the old offences; and he would render the vicious and the foolish wise and virtuous, by salutary regulations. He would appoint the wolf as guardian of the sheep; but he has invented a curious muzzle, by which this protecting wolf shall not be able to open his jaws above an inch or two at the utmost: thus his work is finished. But I tell the right honourable gentleman, that controlled depravity is not innocence; and that it is not the labour of delinquency in chains, that will correct abuses. Will these gentlemen of the direction animadvert on the partners of their own guilt? Never did a serious plan of amending of any old tyrannical establishment propose the

authors and abettors of the abuses as the reformers of them. If the undone people of India see their oppressors in confirmed power, even by the reformation, they will expect nothing but what they will certainly feel, a continuance, or rather an aggravation, of all their former sufferings. They look to the seat of power, and to the persons who fill it; and they despise those gentlemen's regulations as much as the gentlemen do who talk of them.

But there is a cure for every thing. Take away, say they, the Court of Proprietors, and the Court of Directors will do their duty. Yes; as they have done it hitherto. That the evils in India have solely arisen from the Court of Proprietors, is grossly false. In many of them, the Directors were heartily concurring; in most of them they were encouraging, and sometimes commanding; in all they were conniving.

But who are to chuse this well-regulated and reforming Court of Directors? Why, the very Proprietors who are excluded from all management for the abuse of their power. They will chuse undoubtedly, out of themselves, men like themselves; and those who are most forward in resisting your authority, those who are most engaged in faction or interest with the delinquents abroad, will be the objects of their selection. But gentlemen say, that when this choice is made, the Proprietors are not to interfere with the Directors, whilst those Directors are busy in the control of their common patrons and masters in India. No, indeed; I believe they will not desire to interfere. They will chuse those whom they know may be trusted, safely trusted, to act in strict conformity to their common principles, manners, measures, interests, and connections. They will want neither monitor nor control. It is not easy to chuse men to act in conformity to a public interest against their private: but a sure dependance may be had on those who are chosen to forward their private interest, at the expence of the public. But if the Directors should slip, and deviate into rectitude, the punishment is in the hands of the General Court; and it will surely be remembered to them at their next election.

If the government of India wants no reformation; but gentlemen are amusing themselves with a theory, conceiving a more democratic or aristocratic mode of government for these dependancies, or if they are in a dispute only about patronage, the dispute is with me of so little concern, that I should not take the pains to utter an affirmative or negative to
any

any proposition in it. If it be only for a theoretical amusement, that they are to propose a bill, the thing is at best frivolous and unnecessary. But if the Company's government is not only full of abuse, but is one of the most corrupt and destructive tyrannies that probably ever existed in the world, (as I am sure it is) what a cruel mockery would it be in me, and in those who think like me, to propose this kind of remedy for this kind of evil!

I now come to the third objection, That this bill will increase the influence of the Crown. An honourable gentleman has demanded of me, whether I was in earnest when I proposed to this House a plan for the reduction of that influence. Indeed, Sir, I was much, very much, in earnest. My heart was deeply concerned in it; and I hope the public has not lost the effect of it. How far my judgment was right, for what concerned personal favour and consequence to myself, I shall not presume to determine; nor is its effect upon me of any moment. But as to this bill, whether it increases the influence of the Crown or not, is a question I should be ashamed to ask. If I am not able to correct a system of oppression and tyranny, that goes to the utter ruin of thirty millions of my fellow creatures and fellow subjects, but by some increase to the influence of the Crown, I am ready here to declare, that I, who have been active to reduce it, shall be at least as active and strenuous to restore it again. I am no lover of names; I contend for the substance of good and protecting government, let it come from what quarter it will.

But I am not obliged to have recourse to this expedient; much, very much, the contrary. I am sure that the influence of the Crown will by no means aid a reformation of this kind; which can neither be originated nor supported, but by the uncorrupt public virtue of the representatives of the people of England. Let it once get into the ordinary course of administration, and to me all hopes of reformation are gone. I am far from knowing or believing, that this bill will increase the influence of the Crown. We all know, that the Crown has ever had some influence in the Court of Directors; and that it has been extremely increased by the acts of 1773 and 1780. The gentlemen who, as part of their reformation, propose "a more active control on the part of the Crown," which is to put the Directors under a Secretary of State, specially named for that purpose, must know, that their project will increase it farther. But that

old influence has had, and the new will have, incurable inconveniences, which cannot happen under the parliamentary establishment proposed in this bill. An honourable gentleman, (Governor Johnstone) not now in his place, but who is well acquainted with the India Company, and by no means a friend to this bill, has told you, that a ministerial influence has always been predominant in that body; and that, to make the Directors pliant to their purposes, Ministers generally caused persons meanly qualified to be chosen Directors. According to his idea, to secure subserviency, they submitted the Company's affairs to the direction of incapacity. This was to ruin the Company, in order to govern it. This was certainly influence in the very worst form in which it could appear. At best it was clandestine and irresponsible. Whether this was done so much upon system, as that gentleman supposes, I greatly doubt. But such in effect the operation of Government on that Court unquestionably was; and such, under a similar constitution, it will be for ever. Ministers must be wholly removed from the management of the affairs of India, or they will have an influence in its patronage. The thing is inevitable. Their scheme of a new Secretary of State, "with a more vigorous control," is not much better than a repetition of the measure which we know by experience will not do. Since the year 1773, and the year 1780, the Company has been under the control of the Secretary of State's office; and we had then three Secretaries of State. If more than this is done, then they annihilate the direction which they pretend to support; and they augment the influence of the Crown, of whose growth they affect so great an horror. But in truth this scheme of reconciling a direction, really and truly deliberative, with an office really and substantially controlling, is a sort of machinery that can be kept in order but a very short time. Either the Directors will dwindle into clerks, or the Secretary of State, as hitherto has been the course, will leave every thing to them, often through design, often through neglect. If both should affect activity, collusion, procrastination, delay, and, in the end, utter confusion must ensue.

But, Sir, there is one kind of influence far greater than that of the nomination to office. This, gentlemen in opposition have totally overlooked, although it now exists in its full vigour; and it will do so, upon their scheme, in at least as much force as it does now. That influence this bill runs
up

up by the roots ; I mean the *influence of protection*. I shall explain myself : The office given to a young man going to India, is of trifling consequence : but he that goes out an insignificant boy, in a few years returns a great Nabob. Mr. Hastings says, he has two hundred and fifty of that kind of raw materials, who expect to be speedily manufactured into the merchantable quality I mention. One of these gentlemen, suppose, returns hither, loaded with odium and with riches. When he comes to England, he comes as to a prison, or as to a sanctuary ; and either are ready for him, according to his demeanor. What is the influence in the grant of any place in India, to that which is acquired by the protection or compromise with such guilt, and with the command of such riches, under the dominion of the hopes and fears which power is able to hold out to every man in that condition ? That man's whole fortune, half a million perhaps, becomes an instrument of influence, without a shilling of charge to the Civil List ; and the influx of fortunes, which stand in need of this protection, is continual : it works both ways ; it influences the delinquent, and it may corrupt the Minister. Compare the influence acquired by appointing, for instance, even a Governor General, and that obtained by protecting him. I shall push this no farther : but I wish gentlemen to roll it a little in their own minds.

The bill before you cuts off this source of influence. Its design and main scope is to regulate the administration of India, upon the principles of a Court of Judicature ; and to exclude, as far as human prudence can exclude, all possibility of a corrupt partiality, in appointing to office or supporting in office, or covering from enquiry and punishment, any person who has abused or shall abuse his authority. At the board, as appointed and regulated by this bill, reward and punishment cannot be shifted and reversed by a whisper. That commission becomes fatal to cabal, to intrigue, and to secret representation, those instruments of the ruin of India. He that cuts off the means of premature fortune, and the power of protecting it when acquired, strikes a deadly blow at the great fund, the Bank, the capital stock of Indian influence, which cannot be vested any where, or in any hands, without most dangerous consequences to the public.

The third and contradictory objection is, that this bill does not increase the influence of the Crown. On the

contrary, that the just power of the Crown will be lessened, and transferred to the use of a party, by giving the patronage of India to a commission nominated by Parliament, and independent of the Crown. The contradiction is glaring, and it has been too well exposed to make it necessary for me to insist upon it. But passing the contradiction, and taking it without any relation, of all objections that is the most extraordinary. Do no gentlemen know, that the Crown has not, at present, the grant of a single office under the Company, civil or military, at home or abroad? So far as the Crown is concerned, it is certainly rather a gainer; for the vacant offices in the new commission are to be filled up by the King.

It is argued, as a part of the bill, derogatory to the prerogatives of the Crown, that the commissioners named in the bill are to continue for a short term of years, (too short in my opinion); and because, during that time, they are not at the mercy of every predominant faction of the Court. Does not this objection lie against the present Directors; none of whom are named by the Crown, and a proportion of whom hold for this very term of four years? Did it not lie against the Governor General and Council, named in the act of 1773, who were invested by name, as the present Commissioners are to be appointed in the body of the act of Parliament, who were to hold their places for a term of years, and were not removable at the discretion of the Crown? Did it not lie against the re-appointment, in the year 1780, upon the very same terms? Yet, at none of these times, whatever other objections the scheme might be liable to, was it supposed to be a derogation to the just prerogative of the Crown, that a commission, created by act of Parliament, should have its members named by the authority which called it into existence? This is not the disposal by Parliament of any office derived from the authority of the Crown, or now disposable by that authority. It is so far from being any thing new, violent, or alarming, that I do not recollect, in any parliamentary commission, down to the Commissioners of the Land tax, that it has ever been otherwise.

The objection of the tenure for four years is an objection to all places that are not held during pleasure; but in that objection I pronounce the gentlemen, from my knowledge of their complexion, and of their principles, to be perfectly in earnest. The party (say these gentlemen) of
the

the Minister who proposes this scheme will be rendered powerful by it; for he will name his party-friends to the commission. This objection against party is a party objection; and in this too these gentlemen are perfectly serious. They see that if, by any intrigue, they should succeed to office, they will lose the *clandestine* patronage, the true instrument of clandestine influence, enjoyed in the name of subservient Directors, and of wealthy trembling Indian delinquents. But as often as they are beaten off this ground, they return to it again. The Minister will name his friends, and persons of his own party. Who should he name? Should he name his adversaries? Should he name those whom he cannot trust? Should he name those to execute his plans, who are the declared enemies to the principles of his reform? His character is here at stake. If he proposes for his own ends (but he never will propose) such names as, from their want of rank, fortune, character, ability, or knowledge, are likely to betray or to fall short of their trust, he is in an independent House of Commons; in an House of Commons which has, by its own virtue, destroyed the instruments of parliamentary subservience. This House of Commons would not endure the sound of such names. He would perish by the means which he is supposed to pursue for the security of his power. The first pledge he must give of his sincerity in this great reform will be in the confidence which ought to be reposed in those names.

For my part, Sir, in this business, I put all indirect considerations wholly out of my mind. My sole question, on each clause of the bill, amounts to this: Is the measure proposed required by the necessities of India? I cannot consent totally to lose sight of the real wants of the people who are the objects of it, and to hunt after every matter of party squabble that may be started on the several provisions. On the question of the duration of the commission, I am clear and decided. Can I, can any one, who has taken the smallest trouble to be informed concerning the affairs of India, amuse himself with so strange an imagination, as that the habitual despotism and oppression, that the monopolies, the peculations, the universal destruction of all the legal authority of this kingdom, which have been for twenty years maturing to their present enormity, combined with the distance of the scene, the boldness and artifice of delinquents, their combination, their excessive wealth, and the raction they have made in England, can be fully corrected in a shorter

shorter term than four years? None has hazarded such an assertion—none, who has a regard for his reputation, will hazard it.

Sir, the gentlemen, whoever they are, who shall be appointed to this commission, have an undertaking of magnitude on their hands, and their stability must not only be, but it must be thought, real; and who is it will believe, that any thing short of an establishment made, supported, and fixed in its duration, with all the authority of Parliament, can be thought secure of a reasonable stability? the plan of my honourable friend is the reverse of that of reforming by the authors of the abuse. The best we could expect from them is, that they should not continue their ancient pernicious activity. To those we could think of nothing but applying *control*; as we are sure, that even a regard to their reputation (if any such thing exists in them) would oblige them to cover, to conceal, to suppress, and consequently to prevent, all cure of the grievances of India. For what can be discovered, which is not to their disgrace? every attempt to correct an abuse would be a satire on their former administration. Every man they should pretend to call to an account, would be found their instrument or their accomplice. They can never see a beneficial regulation; but with a view to defeat it. The shorter the tenure of such persons, the better would be the chance of some amendment.

But the system of the bill is different. It calls in persons no wise concerned with any act censured by Parliament; persons generated with, and for the reform of which they are themselves the most essential part. To these the chief regulations in the bill are helps, not fetters; they are authorities to support, not regulations to restrain them. From these we expect zeal, firmness, and unremitted activity. Their duty, their character, binds them to proceedings of vigour; and they ought to have a tenure in their office which precludes all fear, whilst they are acting up to the purposes of their trust; a tenure without which, none will undertake plans that require a series and system of acts. When they know that they cannot be whispered out of their duty, that their public conduct cannot be censured without a public discussion; that the schemes which they have begun will not be committed to those who will have an interest and credit in defeating them; then we may entertain hopes. The tenure is for four years, or during their good behaviour. That good behaviour is as long as they are true to the principles of

of the bill; and the judgment is in either House of Parliament. This is the tenure of your judges; and the valuable principle of the bill is, to make a judicial administration for India. It is to give confidence in the execution of a duty, which requires as much perseverance and fortitude as can fall to the lot of any that is born of woman.

As to the gain by party, from the right honourable gentleman's bill, let it be shewn, that this supposed party advantage is pernicious to its object, and the objection will be of weight; but until this is done, and this has not been attempted, I shall consider the sole objection, from its tendency to promote the interest of a party, as altogether contemptible. The kingdom is divided into parties, and it ever has been so divided, and it ever will be so divided; and if no system for relieving the subjects of this kingdom from oppression, and snatching its affairs from ruin, can be adopted, until it is demonstrated that no party can derive an advantage from it, no good can be done in this country. If party is to derive an advantage from the reform of India, (which is more than I know, or believe) it ought to be that party which alone, in this kingdom, has its reputation, nay its very being, pledged to the protection and preservation of that part of the empire. Great fear is expressed, that the commissioners named in this bill will shew some regard to a Minister out of place. To men made like the objectors, this must appear criminal. Let it however be remembered by others, that if the commissioners should be his friends, they cannot be his slaves. But dependants are not in a condition to adhere to friends, nor to principles, nor to any uniform line of conduct. They may begin censors, and be obliged to end accomplices. They may be even put under the direction of those whom they were appointed to punish.

The fourth and last objection is, that the bill will hurt public credit. I do not know whether this requires an answer. But if it does, look to your foundations. The sinking fund is the pillar of credit in this country; and let it not be forgot, that the distresses, owing to the mismanagement of the East-India Company, have already taken a million from that fund by the non-payment of duties. The bills drawn upon the Company, which are about four millions, cannot be accepted without the consent of the treasury. The treasury, acting under a parliamentary trust and authority, pledges the public for these millions. If they pledge the public, the public must have a security in its hands

hands for the management of this interest, or the national credit is gone. For otherwise it is not only the East-India Company, which is a great interest, that is undone, but, clinging to the security of all your funds, it drags down the rest, and the whole fabric perishes in one ruin. If this bill does not provide a direction of integrity and of ability competent to that trust, the objection is fatal. If it does, public credit must depend on the support of the bill.

It has been said, if you violate this charter, what security has the charter of the Bank, in which public credit is so deeply concerned, and even the charter of London, in which the rights of so many subjects are involved? I answer, in the like case they have no security at all—No—no security at all. If the Bank should, by every species of mismanagement, fall into a state similar to that of the East-India Company; if it should be oppressed with demands it could not answer, engagements which it could not perform, and with bills for which it could not procure payment; no charter should protect the mismanagement from correction, and such public grievances from redress. If the city of London had the means and will of destroying an empire, and of cruelly oppressing and tyrannizing over millions of men as good as themselves, the charter of the city of London should prove no sanction to such tyranny and such oppression. Charters are kept, when their purposes are maintained; they are violated when the privilege is supported against its end and its object.

Now, Sir, I have finished all I proposed to say, as my reasons for giving my vote to this bill. If I am wrong, it is not for want of pains to know what is right. This pledge, at least, of my rectitude I have given to my country.

And now, having done my duty to the bill, let me say a word to the author. I should leave him to his own noble sentiments, if the unworthy and illiberal language with which he has been treated, beyond all example of parliamentary liberty, did not make a few words necessary; not so much in justice to him, as to my own feelings. I must say then, that it will be a distinction honourable to the age, that the rescue of the greatest number of the human race that ever were so grievously oppressed, from the greatest tyranny that was ever exercised, has fallen to the lot of abilities and dispositions equal to the task; that it has fallen to one who has the enlargement to comprehend, the spirit to undertake, and the eloquence to support, so great a measure

of

of hazardous benevolence. His spirit is not owing to his ignorance of the state of men and things; he well knows what snares are spread about his path, from personal animosity, from court intrigues, and possibly from popular delusion. But he has put to hazard his ease, his security, his interest, his power, even his darling popularity, for the benefit of a people whom he has never seen. This is the road that all heroes have trod before him. He is traduced and abused for his supposed motives. He will remember, that obloquy is a necessary ingredient in the composition of all true glory: he will remember, that it was not only in the Roman customs, but it is in the nature and constitution of things, that calumny and abuse are essential parts of triumph. These thoughts will support a mind, which only exists for honour, under the burthen of temporary reproach. He is doing indeed a great good; such as rarely falls to the lot, and almost as rarely coincides with the desires, of any man. Let him use his time. Let him give the whole length of the reins to his benevolence. He is now on a great eminence, where the eyes of mankind are turned to him. He may live long, he may do much. But here is the summit. He never can exceed what he does this day.

He has faults; but they are faults that, though they may in a small degree tarnish the lustre, and sometimes impede the march of his abilities, have nothing in them to extinguish the fire of great virtues. In those faults, there is no mixture of deceit, of hypocrisy, of pride, of ferocity, of complectional despotism, or want of feeling for the distresses of mankind. His are faults which might exist in a descendant of Henry the Fourth of France, as they did exist in that father of his country. Henry the Fourth wished that he might live to see a fowl in the pot of every peasant of his kingdom. That sentiment of homely benevolence was worth all the splendid sayings that are recorded of kings. But he wished perhaps for more than could be obtained, and the goodness of the man exceeded the power of the King. But this gentleman, a subject, may this day say this at least, with truth, that he secures the rice in his pot to every man in India. A poet of antiquity thought it one of the first distinctions to a prince whom he meant to celebrate, that through a long succession of generations, he had been the progenitor of an able and virtuous citizen, who by force of the

arts of peace, had corrected governments of oppression, and suppressed wars of rapine.

Indole proh quanta juvenis, quantumque daturus
Ausoniae populis, venturâ in sæcula civem.
Ille super Gangem, super exauditus et Indos,
Implebit terras voce; et furialia bella
Fulmine compescet linguæ. —

This was what was said of the predecessor of the only person to whose eloquence it does not wrong that of the mover of this bill to be compared. But the Ganges and the Indus are the patrimony of the same of my honourable friend, and not of Cicero. I confess, I anticipate with joy the reward of those, whose whole consequence, power, and authority, exist only for the benefit of mankind; and I carry my mind to all the people, and all the names and descriptions, that, relieved by this bill, will bless the labours of this Parliament, and the confidence which the best House of Commons has given to him who the best deserves it. The little cavils of party will not be heard, where freedom and happiness will be felt. There is not a tongue, a nation, or religion in India, which will not bless the presiding care and manly beneficence of this House, and of him who proposes to you this great work. Your names will never be separated before the throne of the Divine Goodness, in whatever language, or with whatever rites, pardon is asked for sin, and reward for those who imitate the Godhead in his universal bounty to his creatures. These honours you deserve, and they will surely be paid, when all the jargon of influence, and party, and patronage, are swept into oblivion.

I have spoken what I think, and what I feel, of the mover of this bill. An honourable friend of mine, speaking of his merits, was charged with having made a studied panegyric. I don't know what his was. Mine, I am sure, is a studied panegyric; the fruit of much meditation; the result of the observation of near twenty years. For my own part, I am happy that I have lived to see this day; I feel myself overpaid for the labours of eighteen years, when, at this late period, I am able to take my share, by one humble vote, in destroying a tyranny that exists to the disgrace of this nation, and the destruction of so large a part of the human species.

Mr. Duncombe.

Mr. *Duncombe* admired the premises as stated and illustrated by the honourable gentleman, but begged to be excused

cused from *jumping* into his conclusion. He was charmed with his eloquence, but wished not to be misled by it. He could not help on all occasions, but especially whenever this bill pressed itself on his attention, adverting to the peculiarly delicate situation in which it placed the honourable Secretary who brought it in. He lamented exceedingly the loss of his abilities to the service of his country, to the salvation of which he once thought him alone adequate. But now that confidence, without which no Minister in this country could ever be successful, was, in respect to him, no more. The people, whose rights he had so ably, so faithfully, and so effectually defended, were sorry to be convinced of his desertion, of his dereliction of principles and professions so fair and honourable, that not to have believed them would have been criminal. He was satisfied, however, that the bill was pregnant with many evils, which nothing but another relinquishment of patriotism would suffer any man to justify.

He would not pretend to enter into the various and specific exceptions that were notoriously against its utility, its efficiency, and even its necessity; but he protested that he should not answer the purpose of his constituents in calling him to represent them in Parliament, unless he gave his opposition to every shape and stage of this despotic business. He reprobated the bill as a wanton violation of the chartered rights of the Company. He said, there was no reason for any such violent measure, and that it rather seemed to be the Minister anxious to make the distresses of the Company a handle and pretence for grasping at inordinate power, than a real necessity, which prompted the whole proceeding. He had ever opposed the influence of the Crown, and as he saw the bill would put influence into the hands of the Minister in a still more alarming view, he would resist the bill strenuously. He was therefore against the Speaker's leaving the chair.

Mr. *Martin* said, that however painful it was to him to Mr. Mar-
rise in that assembly; that there were certain occasions on ^{which}
which he thought it his duty to resist every feeling of diffi-
dence, and to offer a few words to the House in the best
manner he was able; that the present stage of this bill was
certainly one of those occasions; that he rose to express his
cordial satisfaction that the right honourable Secretary (Mr.
Fox) had thus early and thus boldly thrown off the mask,
and shewn to the House, and to the public, his political
completion in its strongest colours. Mr. *Martin* said, that

he was one of those who never augured any good, from what he should continue to call a ridiculous and detestable coalition, but that he had not thought it possible that the right honourable Secretary should so suddenly have brought forward a measure so totally repugnant to those principles of opposition to corrupt influence, on which he had been so many years declaiming; that having constantly voted with him, in endeavouring to diminish that sort of influence, Mr. Martin thought he was justified in expressing the warmest resentment against such apostacy; that he was one of those whom the right honourable Secretary had frequently endeavoured to ridicule for having wished, that every European might be driven out of the East, but that every hour, every minute, and every moment, confirmed him in that opinion; but that he was more particularly convinced, by what had fallen in a former debate on this subject, from an honourable gentleman, whom he would presume to call his friend (Mr. Dempster) who had said something to this effect, that "He conceived we had no more right to take possession of lands in that part of the world, than a herd of Tartars would have to seize upon Yorkshire, or any other opulent district on this island."—That if any thing could increase the esteem he had for the honourable gentleman, it would be the liberality of his sentiments on this point, and that he heartily wished we had a cabinet council composed of men of such uprightness and such humanity. Mr. Martin declared, that he was in general an enemy to what is called systematic opposition, by which he understood, in plain vulgar English, the voting through thick and thin to oust an administration; but, that if ever he should think himself justified in such conduct, it would be in times like these, when a set of men had abandoned the sound principles of the constitution, and joined themselves to its greatest enemies, for the sake of satisfying their avarice and ambition, or to say the least, the virulence of their party spirit. That though many persons earnestly wished to drop the subject of the coalition, as trite and unfit to be longer talked of, that he was of a different opinion, and wished to see a starling perched on the right elbow of the Speaker's chair, who, whenever a pernicious measure, like that under consideration, was brought forward, should repeat incessantly to the Treasury Bench, "disgraceful, shameless coalition." That he should not have been hurt to the degree he now felt himself, if the right honourable Secretary had deserted alone, but that he had deluded and seduced

duced numbers of men, who stood high in public estimation, with whom he (Mr. Martin) had formerly thought it a very high honour to associate, but that now, however elevated their station, compared to his humble lot, that he should endeavour to keep himself free from the contagion of their principles, for that the infection had spread far and wide, and had taken effect upon many gentlemen, whose constitutional principles he thought free from danger: that it was no wonder that the right honourable Secretary should be fearless of dangers to himself in proposing any measure, however atrocious, for that, as an honourable gentleman (Mr. Duncombe) had very justly observed, he had a most glaring instance of imbecility in the nation, in the impunity of his noble colleague, whom he had ignominiously joined, though he, and several of his friends, had a hundred times pledged themselves virtually, if not in direct words, to bring to trial. Mr. Martin added, that he hoped, however pernicious and destructive to the constitution this measure might be in itself, that the attempt might be of service, by rousing the people at large from that lethargic insensibility with which they seem to be oppressed. That he had long ceased to be surprized at any thing, in the assembly where he was speaking, and that therefore it would be no matter of astonishment if the right honourable Secretary should carry his bill triumphantly. That he had great powers on his side, that he had numbers, that he had men of high rank and description, and that he had some gentlemen of a profession which, when liberally exercised, he held in the highest estimation; but that there were some of those gentlemen, who were not contented with making talking their profession, but whose talk was nothing but profession. That some of those gentlemen had, on a former day, seemed to wish, by dint of gesticulation and vociferation, to frighten the poor disheartened minority into as high a veneration, or rather adoration of the right hon. Secretary, as they themselves had professed; but that for his part, he was really not to be frightened out of the moderate share of understanding that God had given him, that he should never more hold the right hon. Secretary in any esteem as a public man. Mr. Martin said, that an honourable baronet, whom they were about to lose from the House of Commons (Sir George Savile) had told the Speaker, in his hearing, in the face of the House, on a former occasion, that they had betrayed the rights of their constituents; that the House, conscious of the truth of his asser-

tion,

tion, had quietly submitted to the reproof. Mr. Martin said, that if they should pass this India commissioners bill, that it would be a fresh betrayal of their constituents. After having spoken pretty freely of Mr. Secretary Fox, he said, the right honourable gentleman might perhaps not think him very modest in preferring a petition to him after he had thus openly censured him; but that he should, notwithstanding this objection, ask him a favour in that public situation. It was no other, than that in the course of the ensuing session, he would not hurt the feelings of gentlemen, by the mention of the name of a late noble Marquis, whose character men of all parties revered, however they might differ from him in their political opinions. Mr. Martin said, he was perfectly convinced, that that virtuous nobleman would no more have introduced or supported such a measure as that proposed, than he would have joined the noble Lord, who, to the disgrace and infamy of this country, walked abroad untried for the loss of an extensive empire through his unjust and coercive conduct. Mr. Martin then took notice that a right hon. gentleman (Mr. Burke) had, with that spirit of humanity and fire of imagination which he possessed, entertained the House for a very considerable time, with a most pathetic account of the miseries inflicted on the natives in the East Indies, whom Mr. Martin said he felt for with the greatest pain, but that he thought that the right hon. gentleman would have passed some part of that time more to the purpose, in proving to the House, that the new administration, as proposed for India, would be less corrupt and less cruel than that he wished to abolish. Mr. Martin added, that he could not sit down without offering his public thanks to the honourable gentleman (Mr. Powys) who had opened this debate, for one of the most animated and truly patriotic speeches, that he had ever heard. Mr. Martin seeing this bill in the light in which it offered itself to his understanding, gave his hearty and decided negative to the Speaker's leaving the chair to go into the Committee.

Sir Grey
Cooper.

Sir Grey Cooper said, in every preliminary or incidental debate or conversation on the state of the affairs of the East-India Company, during the course of the last, and at the opening of this session, it had been, and was at the moment he was speaking, universally admitted that the great and most important consideration demanded the immediate and effectual interference of Parliament. It was said, and not denied,

denied, that something must be done to save the Company, Something to secure the State from the peril of being too deeply interested in and complicated with the fortune and state of that great Company. Something that might give not only order and regulation, but energy and duration to the administration of their affairs at home and abroad.

It was and is admitted, that the arm of the present Direction is not strong enough to wield or to manage such a government.

A protest was entered last year, and with ease renewed at the opening of this session, against palliatives, half measures, procrastination and delay.

Every body was for the unexplained something; but when the something was stated, when the outline of the proposition, now under consideration, was drawn, without a moment's pause of deliberation, it was, with the rapid glance of intuitive comprehension, declared to be a measure of despotism on the one side, and of corruption on the other; and when necessity was urged as the ground of parliamentary interposition in this case, necessity was called by all the names that the exaggeration of eloquence could express, and was called by the old name of the tyrant's plea, and the new one, of the creed of slaves. Upon this topic the counsel of the Company enlarged and expended their imagination. They said the plea of necessity existed in the times of the Stuarts, but that it was buried at the Revolution. That was a singular period to assign for the supposal of necessity; for to follow that most striking observation of the right honourable gentleman who presented the bill, if necessity had not been the plea and the justification of freemen at the Revolution, this House would not now have had a deliberative capacity, and the mandates of absolute power would have been the creed of slaves. Mr. St. John, in his famous argument on the case of ship money, admitted the plea of necessity in many cases: he proved that the necessity for their money was false and pretended, but that rights and property being introduced and maintained by known laws, there were times, when, like the Philistines upon Sampson, those laws were too weak to bind us; and, as Cicero says, *necessitas magnum humanæ imbecilitatis patronium omnem legem frangit*. This is a strong authority; and if, in this case, the necessity be evident, uncontrollable, and unmanageable by expedients, it is an indispensable duty of
Parliament

Parliament to its constituents and to their country to interfere.

The good sense of these times will not be diverted from its purpose by mere words, however splendid they may be, or by assertions, however imposing or magnificent they may appear to be; for, from whatever height they may descend, this House will form its opinion upon evidence that has been brought home to the matter before them, not upon the ground of speculative reasonings, and conclusions drawn from abstract propositions upon the basis of facts as they are, not upon the possibility of what they may be; upon the state of things, not upon the characters of persons.

The interference of Parliament to regulate, reform, alter, rescind, and vacate grants and charters of the Crown, are most incontestably justified by the law and practice of Parliament. The proceedings of this House, and the Acts passed in consequence thereof, in the cases of the Turkey Company, and the African Company, are clear proofs of this position; the detail of which may be seen by the Journals, and in as good times as any this country boasts.

The dispute was not, he conceived, at present, upon the sacred right and immutability of the Company's charter, though that at first seemed to be hazarded.

But upon the point whether a case be made either upon evidence or common notoriety for the present interposition; and that is really the true question upon the principle of the bill.

He had always been given to understand that it was the pointed plan and leading measure of the earl of Chatham, whose name could never be mentioned in that House without reverence; that the Government of this country should avail itself of the profit and advantage of the territorial acquisition and revenues, which at the time in which he was the efficient Minister at the close of the year 1766, were known to be in the possession of the Company; and in his way to the attainment of this great object, he did not seem to consider the charters of the Company as any stumbling-block or impediment to this career.

Committees of enquiry were instituted—whilst that enquiry was going on, when the General Court was running the course, and following the visions of the South-Sea scheme, their progress was arrested by the most spirited and salutary interposition. The account of the vote of the Court came when the House was sitting. A bill was drawn
upon

upon the box on the table in a few minutes by one of the ablest Members of Parliament who ever sat in that House. The Company petitioned against the bill ; but upon a question whether it should be referred to the Committee, that petition was rejected. In the midst of these proceedings the Company entered into a negociation to pay a considerable rent for the possession of the territories, and a bargain was made that lasted till 1773. The bills in 1773 it was not necessary to state, but he desired that part of the preamble to the second bill might be read ; it was drawn by the same respectable Member who proposed the restraining bill for their dividends, and against their sending out a supervisor to India.

But an account was produced to shew, that the necessity does not exist, and that the Company was only under a temporary difficulty and distress, and that upon the whole their property was far beyond their debts and demands, and that they were in reality in a prosperous situation.

This account was certainly produced as evidence by the counsel at the bar ; but it was to be remembered and observed, that they did not rest their case on their arguments upon it, and that they were not instructed to desire that it should be read.

They seemed to be aware, that it was not calculated to be read. The abstract looked well, and the sum total bore a good face.

But unfortunately for this account, it fell to be examined, searched and dissected by the most acute discernment, and the fallacies of this extraordinary paper were stated and exposed in the most clear and convincing animadversion—at the touch of the spur it started up in its own shape.

He had nothing to add to these observations, except that the account bore a double aspect. It was stated by great authority to be laid before the House to prove, that no necessity for the present interference existed, for that the Company was merely under a temporary difficulty and distress. But on the face of it it stated the value of property, which could have no value, till the Company was dissolved, or in a state of actual and declared insolvency.

The value of their buildings in Leadenhall-street, their desperate debts at home and abroad, and their military stores, were clearly dead stock, and not convertible into money till that event arrived.

In 1702, when the Old Company was dissolved, that account might have been proper to be presented to Lord Godolphin, before he made his famous award, which was the basis of the two Companies—the dead stock and buildings were allowed for at that time. But the case to justify the necessity was short.

They owe the state for Customs one million.

They owe 100,000*l.* on their bargain for the payment of 400,000*l.* in 1782. This occasioned the present deficiency in the revenue of the sinking fund; and the payment of this debt cannot be long delayed.

They had been empowered to borrow money on their bonds, to the amount of 500,000*l.*

Bills were drawn upon them to the amount of two millions and a half.

There was a loan of 300,000*l.* in Exchequer bills, which must be cancelled. If not paid before the 6th of April, 1785, to fall on the then next aids, and collaterally on the sinking fund.

Would the House and the nation consent to pay the debts, and to indorse the bills, and to raise money to pay them by taxes laid on the land and the industry of the people of Great Britain, to relieve and support a Company under its present government and management at home and abroad? A Company, which, instead of adding, by the result of its commerce, to the national stock, or by its revenues, to the wealth and strength of the kingdom, hung a dead weight and heavy incumbrance on all our faculties and resources, and was the drain of the vital strength of Great Britain; and which would, if not prevented by some measures of energy and duration, sink us with it to inevitable ruin.

Mr. Ord.

Mr. Ord made a very long speech, and began with saying, like the right honourable gentleman, who spoke lately, he could declare he had been for years laboriously employed in the investigation of the affairs of India; that he likewise had not troubled the House on that subject for three years; and, he would add, that although his abilities might not be any thing like equal to those of the honourable gentleman, he dared assert, that he was actuated by as pure a motive. He then proceeded to justify the Secret Committee, whose Reports, he said, he rose to rescue from the odium of having in any part of them suggested such a bill as that under consideration. There was not a syllable in any one of them, Mr. Ord said, that led to such an idea, much less

less had it ever been in the contemplation of the members of that Committee to propose a measure at all similar to that which had been introduced by the right honourable Secretary. The bill brought in by the learned gentleman beneath him (Mr. Dundas) was the bill which he had himself had a hand in drawing. That bill did not break through the Company's charter, annihilating all their rights, and seizing upon all their property; it merely regulated the charter by restraining the Court of Proprietors from their controlling power over the Court of Directors, and gave an increased degree of authority where the vigour of government was most wanted, in India, where an equal share of responsibility was also placed.

The several objections already started he resumed, and dwelt with most emphasis on the influence of the Crown, which he did not think was at all diminished by the various systems of reform which had been so loudly trumpeted in the House, and to the public. For what were all these retrenchments, compared with the vast accumulation of patronage which this bill undeniably embraced? It would not only give permanency to the affairs of the Company, but to the situation of Ministers. And this was one chief reason which urged him to condemn and execrate this measure, as it gave such a weight to the prerogative, as might in the end overbalance the democratical part of the constitution. This he was determined never to lose sight of in all his parliamentary discussion, because the moment the balance of the constitution was lost, our liberties were extinct. He consequently deemed it his duty to oppose the commitment of a bill fraught with so much ignominy and ruin, not only to the Company, which was its more immediate victim, but also and certainly, however remotely, to the liberties of the community at large.

Mr. Gregory entered into a very distinct narrative of all Mr. Gregory the Company's transactions since the time of his occupying 807. a share of the direction. He had long foreseen, and sometimes foretold the present perplexed and involved situation of their affairs. He had even declared in the Committee, that the various abuses of them had become so flagitious and enormous, that unless some specific measure was adopted, it would be better to leave the investigation of them altogether. But a measure was contrived and attempted at last, which fully met his idea, because it seemed possessed of all those requisites which were calculated to render it ef-

fectual and complete. Many other schemes at least he had heard proposed, but none of them seemed to embrace the entire object with so much accuracy and simplicity as this. He then entered on the consideration of the Company's affairs, which were not, in his apprehension, retrievable, but on a plan altogether new, reduced to other principles, and put into other hands; he accordingly declared his attachment to the bill; but he wished the House to believe him, that he acted in this, as he ever had done in all matters of trust, with the most scrupulous integrity; the whole time he had been in the direction, this, and this alone, had been the only object he aimed at, to serve the Company, independently, honestly, and faithfully; so that in giving his consent to the present bill he hoped to be understood, as supporting it on principles of real and sincere esteem. He defended his own conduct, while a member of the Secret Committee, appealing to Mr. Dundas and Mr. Ord, whether he had not recommended an effectual and strong measure respecting India, if any was pursued. Mr. Gregory declared, that though the bill, then under consideration appeared to him to be by far the best system that he had yet seen or heard of, yet he hoped, there would ever continue a respectable opposition in that House, who would narrowly watch the Commissioners' conduct, and exercise a rigorous control over their proceedings.

Mr. Beau-
foy.

Mr. *Beaufoy* then rose, and addressed the House nearly as follows: I have listened with the greatest attention to the various arguments that have been urged in the course of the debates, that I might either adopt, with confidence, the opinions of others, or be enabled, by their means, to correct and improve my own; for my object is not to censure or applaud Administration, but to contribute all I can to the establishment of such a system as may be productive of effectual reform in India, with the least possible infringement of the Company's rights at home, with the least possible hazard to the British constitution. I shall therefore support the system proposed by the present bill, where I can do it with integrity; and where I cannot, I shall endeavour to point out what preferable system may be devised.

All that part of the honourable Secretary's plan, which provides for the happiness of the natives of India, appears to me to be equally humane and wise; for it restores to them what they have long been deprived of, the rights of men. The necessity of this reform is sufficiently proved, by the
various

various instances of violence and abuse which a right honourable gentleman (Mr. Burke) has already described, in his review of the conduct of the Company's servants in India. Many other instances, equally strong, might be alleged, but I shall mention only two.

It appears by the records of your proceedings, that one of the Company's servants levied, on the natives, a tax of two thousand a year, for the charges of his toilet; a second tax of two thousand five hundred a year, for the expences of his table; a third tax of two thousand a year, as perquisites to his footman. These sums he extorted, not from the great and from the rich, but from wretches who had nothing but their subsistence to give. So intense was the tyranny of the Company's servants, that they aggravated the miseries even of pestilence and famine; for when, in many of the districts of Bengal, more than half the inhabitants were swept away, the Company's collectors compelled the living to pay the taxes of the dead.

Equally ruinous with these horrid oppressions, though not equally rapid in their operation, is the custom so repeatedly recommended by the Directors at home, so eagerly adopted by their servants abroad, of dispossessing the Rajahs and Zemindars, the ancient nobility and hereditary proprietors of the soil, and of letting their lands on lease to the highest bidder: While these chieftains had possession of their estates, each was considered by the people, not only as their judge in time of peace, and their leader in time of war, but as the general father of his district. Such, indeed, is the affection the people bear them, that even in distress and poverty, and banishment itself, they will not leave them: if poor, they contribute all they can to their relief; if banished, they follow them to exile. To restore these unfortunate men to their estates, is to restore prosperity and happiness to places that have long been the seats of desolation and despair.

If, then, nothing more were to be considered in the honourable Secretary's plan, but its probable effect on the interests of the natives of India, he would be entitled to the thanks, not only of the Brahmins, not only of every other Hindoo, whose blessings the right honourable gentleman had told us will be poured upon him, but of every human being who feels an interest in the sufferings of his kind. Every friend to humanity would think himself largely his debtor.

But examine the effects which this system will have on the rights of the India Company; examine the effects it will have

have on the British constitution : you will find it embarrassed with difficulties without end ; evils of uncommon magnitude rise upon the view.

This bill avowedly abrogates the Company's charters. Charters, Sir, are not like other laws, repealable at the will of the Legislature ; they are compacts, and cannot be justly cancelled without the consent of both the contracting parties. That Parliament has a right to interfere in prescribing the mode in which the Company's territorial possessions shall be governed, no doubt can be entertained ; for such interference implies no breach of the Company's charter. But to subvert their constitution, on the plea of an unproved and unreal necessity, unproved and unreal as applied to these objects ; to violate solemn compacts, to break through engagements, for the observance of which the faith and honour of the nation have been pledged ; the authority of Parliament itself does not extend so far ; for even the omnipotence of Parliament is circumscribed by the eternal laws of justice. Is there a man who ventures to deny this maxim ? One such man it seems there is : " Away with their chartered rights," said the right honourable gentleman (Mr. Burke) ; " you are not bound to observe them : " the great charter gives you authority to violate all charters. The great charter gives you a right to do the extremity of wrong. Such is the spirit of this new system ; such are the maxims by which its advocates recommend it to the House. But the sacred rights which charters give, are not the only rights which this bill violates ; it has a wider aim ; for its principle is levelled at all the rights of property. The same power which appoints agents and stewards to the India Company against their will, and makes them independent of their control, may equally appoint an agent and steward to the estate of every gentleman who hears me ; may equally assign the management of his affairs, the collection of his rents, and their disposal, when collected, to a person in whose appointment his will had no share, and over whose actions he has no control. But the power which deprives him of the management and disposal of his property, does, in effect, deprive him of his property itself.

This principle once established, what security have the other public companies of the kingdom ? What security has the Bank of England ? What security has the South-Sea Company ? What security have any of the public corporations ? What security have the national creditors, or indeed any individual, either for his public or his private rights ?

It

It would be folly in the extreme to suppose that this principle, once admitted, will operate only on the present occasion, and on the affairs of the East-India Company. Good principles may sleep; but bad ones never will. 'Tis the curse of society that when a bad principle is once established, bad men will always be found to give it its full effect.

Numberless are the objections that may be made to this pernicious system; but I will not say any thing of the enormous addition to the influence of the Crown that must result from the creation of fifteen new placemen; of placemen invested not only with all the patronage which the management of the commercial concerns of so vast a Company must give them, among the manufacturing and trading interests at home, but likewise with the substantial and exorbitant power that must attend the receipt of little less than five millions of revenue, and the government of more than twenty millions of people. I will not say any thing of the breach which this system makes in the constitution, by giving executive authority to those in whom the constitution acknowledges only legislative; nor will I make any remarks on the means which this system seems calculated to afford a Minister, on the one hand, of controlling Parliament by the influence of the Crown, if that should be necessary to his views; or, on the other hand, if this better suits his schemes, of controlling the Crown by an extension of the executive power of Parliament.—I say, Sir, I will not enlarge on these things, for no evidence of argument, no power of language can add to the melancholy reflections which the very mention of them excites in the mind of every thinking man. But I shall be told, that to find fault is an easy talent; and shall be asked, perhaps, “what better system have you to propose?”

In the first place, allow me to express my firm belief, that if any equitable plan were proposed, any plan not entirely inconsistent with their present rights, not wholly incompatible with their future interests, to such a plan, the consent of the Company (dependent as they are upon Government for immediate relief) might be easily obtained.

Upon this supposition, the only just one on which any alteration of this charter can be made, I would propose that the management of the Company's commercial concerns shall be committed to agents chosen by themselves; in other words, that as far as their commercial interests are in question, the constitution of the Company shall continue
the

the same as it is; or, that if any alteration be made in it, it be only that of restoring to the Proprietors of five hundred pounds stock their ancient right of voting in all resolutions of their court.

In the next place, I would propose that the management of the Company's territorial possessions shall be assigned to three persons resident in England; to three persons, not to seven, nominated by the Crown, not by Parliament. I prefer three persons to seven, as adding less to the power of the Crown; I prefer three persons to one, from a persuasion that the time and talents of no single man are equal to such an extent and variety of business—the separation of the commerce of the Company from their territorial possessions has been declared by the honourable Secretary to be extremely difficult—some difficulties I know there are, but that those difficulties are insuperable, or even of serious magnitude, I can never believe, since the period of the Company's most successful commerce was that which preceded their territorial conquests; and, even at this time, the most lucrative of the different branches of their trade is that which they carry on with China, where they have no possessions.

In the third place, I would propose that the disposal of the revenues of India, like that of the revenues at home, shall originate with Parliament, and that all sums expended shall be applied to specific services, in consequence of specific grants. Extraordinary expences must, I know, be incurred; but in that case, the persons who issue the money will be responsible to Parliament, and if their reasons are disapproved, will be liable to punishment. It were much to be wished too, that all future accounts of money received or disbursed in India, might be referred to a Select Committee, annually appointed by the House; as by that means, no frauds of any magnitude could easily escape detection.

In the last place, I would propose, that during the remaining period of the Company's charter, such part of the India revenue as shall be more than sufficient to maintain the civil and military establishments there, shall be appropriated to the specific purposes of paying the Company's debts, and of providing their investment. But, that when the Company's charter shall expire, such part of the surplus revenue as Parliament shall think may be drawn from that
country

country without distress and ruin to the natives, shall be remitted through the medium of the Company's investment, in the same manner as the private fortunes of the Company's servants are now transmitted to Europe, through the medium of investments of foreign companies. By this plan the pernicious union of the two incompatible characters of sovereign and merchant would be destroyed; the Company would be reduced to their original character of merchants merely, and be compelled to exchange a trade of fraud and violence for an equitable trade on principles merely commercial; while the natives, hitherto victims to the avarice of the Company, would live under the protection of the British government, as securely as they formerly lived under the protection of their own.

This plan has also these farther recommendations, that it violates no charters; it trespasses on no man's right; it brings with it no breach of the constitution, for it gives no executive power to the delegates of the people; nor would it occasion any addition to the other power of the Crown than that which, in the nature of things, is unavoidable; an addition so small, that it is not more than in proportion to the additional means of control which would be given to Parliament.

I fear, Sir, and I intreat their pardon for it, that I have trespassed on the indulgence of the House much too long. If I have so offended, it has not been owing to any presumptuous opinion of myself, nor, I am sure, to any desire of hearing myself talk; but to the strong and earnest desire I feel to avoid those unwarrantable schemes, those desperate projects that roll on other principles than those of the constitution, of probity and justice—when plans of this sort are proposed, not to give them all the opposition in my power, would be to sacrifice my own peace of mind, and my character as an honest man.

Mr. *Samuel Smith*, jun. went through an argument upon the Directors' state of the Company's accounts, delivered last Thursday, answering Mr. Fox's objections and observations article by article, and charging Mr. Fox with wilful misrepresentation. Mr. Smith also added an argument against the principle of the bill, in which he charged the whole with being a design to send off some half-plucked pigeons to India, in order that they might come back in full plumage, decked out in all the splendor of the East.

Mr. Dundas.

Mr. *Dundas* [the late Lord Advocate] rose, and in an animated and manly, but fair and dispassionate speech, delivered his opinion at large on the affairs of the East-India Company, of the bill he had himself brought in last session, and on the bill then under consideration. He desired the House to look a moment at the very extraordinary manner in which that bill stood before them. When the right honourable Secretary opened it, he had been understood to declare the East-India Company bankrupts. He could not himself say whether this was the case or not, but he had read it in a Report of the right honourable gentleman's speech at an inn on the road to town. That Report stated the Secretary to have made such a declaration, and the newspaper was not a partial one, and it was well known not to be adverse to the right honourable gentleman. Take it for granted however, that this was a mistake. Under this mistake, the Court of Directors prepare an account of their affairs, made up just as if they were bankrupts. The right honourable Secretary answered the account with great ingenuity, and upon that issue the bill proceeds. So that the Company in fact, had not been fairly heard, and that House were wholly in the dark as to any information the Company were able to lay before them. Having dwelt for some time on the impropriety of proceeding under such circumstances, Mr. Dundas said, as the King in his speech at the end of the last session, mentioned the affairs of India, and said, it would be one of the first subjects taken into consideration when Parliament met again, he was entitled to presume that the right honourable gentleman had by that time made up his mind to his system, and that he perfectly well knew what that system was. It would have been fair, therefore, to have communicated to the East-India Company by their Chairman, or through some other medium, what the system was, that they might have prepared themselves to come forward with a true state of their accounts, and to defend themselves against the bill, when Parliament met. Having said this, he went into a detail of the proceedings of the Secret Committee, and of the origin, principle, and view of the bill, which he had brought in last year. He declared the last Administration had no hand in forming it. That it was drawn only by a few members of the Secret Committee. He argued upon the propriety of giving more power in India, to the government there, rather than to enlarge the powers here. After going very fully through this

part of his subject, he came to the consideration of the present bill, which he reprobated, as big with the most alarming consequences to the constitution, declaring it created an *Imperium in Imperio*; and so far from increasing the influence of the Crown, did, what was much worse, created a new, inordinate, and unexampled influence, which it placed in the hands of the Minister of the present day, and his party, for five years together. In this, he said, the right honourable gentleman had out-heroded Herod. He had gone beyond all his former achievements in reducing the influence of the Crown; for this created an immensity of patronage; it was a patronage which would follow the right honourable gentleman to private life. He described the dangerous consequences of such an influence; the objection was not, he repeated, to the accession of influence which it would give to the Crown, but to the influence which it would create in the persons of the present Ministers, independent of the Crown, and of the Parliament; an influence unknown to the constitution, and which, in his mind, would be infinitely more dangerous than the influence of the Crown however great. If the Commissioners were appointed by the Crown, they would become, as they ought, objects of jealousy to that House; they would be like the other Ministers of the Crown, for ever watched by Parliament; but this Board, appointed under the sanction and cover of their names, would claim their peculiar protection as their political creators, and their conduct would not be watched with the jealousy and suspicion which it ought to be. He described the bill which he proposed, and said, that he commended the appointment of a new Secretary of State, (a Secretary of State for India) as a far preferable measure. He declared, he had rather see the master of the show, than the puppets he meant to move; if therefore Mr. Fox was in such an office, he was persuaded the duties of it would be actively and usefully discharged, and the public much better served than by the seven Emperors the right honourable gentleman meant to nominate.

The *Solicitor General* [Mr. Mansfield] replied, and turned the arguments of Mr. Dundas on the Minister's not having given the East-India Company earlier notice of his system upon himself, asking, why he had not given the Company due notice of his bill last year? Mr. Mansfield said, the *imperium in imperio* already existed; it was the East-India Company, according to its present constitution.

The Solicitor Gen.

Mr. Mansfield added many other ~~to~~gent arguments in reply to Mr. Dundas.

Mr. T. Pitt. Mr. *T. Pitt* said he was no party man: he detested systematic and factious opposition; but he declared he considered the present bill, as so oppressive and alarming an attack on the liberties of the subject, the independence of Parliament, the prerogative of the Crown, and the principles of the Constitution, that if to-morrow were to be his last day, he should die in more peace for the opportunity he enjoyed that night of pronouncing his determined opposition to it. It was one of the measures which gentlemen might expect from such a Ministry; from a coalition who had entered into office by seizing the reins of Government by force, and who meant to conclude their career by giving the death-blow to their country.

Lord John
Cavendish.

Lord *John Cavendish* rose with some warmth, and declared, words and assertions delivered with all the ardor of declamation, were neither proofs nor arguments. When the bill came to be coolly considered, the public would see what pains had been taken by those who raised so much clamour against it, to confound their judgements, and mislead their understandings. The bill was such a measure as the situation of affairs required. All systems must necessarily be adapted to the situation and circumstances of a country. Nobody but a child or a trifler would think of continuing the present Constitution of the India Company, and make those who had already proved themselves inadequate to the energy of Government, the medium of applying a new system to India. There were then but two opinions: to give the Crown the appointments, or to nominate in Parliament to them. The latter was adopted. Why? Because it was the most efficacious. Because the bill was an experiment, and to give the system fair trial it must necessarily be permanent for a sufficient time to prove its utility. That could not be done in any other way than that chosen. It was necessary also for him to remind the House, that if Parliament did not pass that act, or some other, for the relief of the East-India Company, within twenty days, the process must issue from the Exchequer, and the goods of the Company be all seized by virtue of an extent. For by that time, the limitation of the act of Parliament would expire. With regard to having changed his principles, his Lordship said, he had never changed them. He had often, in the course of a thirty years parliamentary

mentary life, found it right to act with different sets of men. He had never deserted others, but others had deserted him, and that more than once, twice, or thrice. Lord John adverted to what had been thrown out about party and faction. Party and faction, he said, were materially different; faction was a combination of men, who, pursuing their own interests, were consequently hostile to those of their country. Party, on the contrary, implied only confidence, arising from congeniality of opinion; a band of men united on principle, and allied to one another by the experience of mutual integrity; such a preconcert was necessary to give firmness to a Ministry; such had ever been his opinion; and he had always been a party man; but he contemned the idea of being a member of a faction. Party was a system of connection founded on previous confidence; faction the cry of an heterogeneous opposition, whose aim was power, and which pursued it by an indiscriminate attack, both of what was right and what was wrong. This, however, was an invariable maxim in his political creed, that public men must stand on their public character, and that the private favour of the Prince was not the constitutional road to office.

The Right Hon. *W. Pitt*, at twelve o'clock at night, Hon. W.
Pitt. rose, and, in a speech of near two hours, went over all the ground of the debate. He pledged himself to enter into the discussion of the particulars of the statement of the East-India Company's affairs, and to prove the objections of Mr. Fox to be fallacious. He said that he would venture a paradox. The bill tended, in its principle, not only to diminish, but also to increase the influence of the Crown. This was a paradox; but he explained it thus: It increased the influence of the Crown in the end; but in the mean time it increased only the influence of the present Ministers, independent of the Crown; and should they be driven from their places, they would carry this influence with them into private life, and it would be exerted against the Crown. He spoke again of the Coalition; called to recollection several of their former expressions; paid Mr. Fox many high compliments; that he was the man, of all others, the most eminently endowed, and the best calculated to save his country: but this measure was so bold, so violent, and so mischievous, that he could not entertain a good opinion of him. He charged Mr. Fox with acting with men, avowed enemies to those principles, which the right honourable gentleman

tlemaa had so gloriously exerted himself in defending and enforcing, when he had first began his political and parliamentary career, and had the honour of fighting by his side in the same cause; a cause which he never would abandon. He said, that those who opposed the present bill, were always called upon to produce another in its stead. It might not be improper to call to the recollection of the House, an expression which fell from one of the right honourable Secretaries of State, when, before the coalition, the other called upon him for something of the same sort. "No," says he, "I by no means hold myself called upon to propose a measure in the room of that which I object to. It is the business of Ministers; it is their duty to propose measures for the government of the country; it is ours to question the wisdom, the propriety, and the application of the remedies they propose to the evils which exist." He called to the memory of the House another expression of the honourable gentleman's, and which he applied, he said, to an honourable friend with whom he lived in the closest intimacy. The right honourable gentleman, he said, would recollect a time; or, if he did not, there were those now near him, who could put him in mind of it, when the administration of the noble Lord in the blue ribband was defended upon this principle: "I do not support them because they are active, industrious, and able, but because I cannot find better to put in their place." What was the reply of the right honourable gentleman? "That such language was a libel upon human nature," with other expressions, which Mr. Pitt said he forbore to add. But, says Mr. Pitt, though this was the language of the right honourable Secretary, I will not follow him in it. If the House should think it right to throw out this bill, which I trust they will, I pledge myself to bring forward a bill for the regulation of India, not subject to these objections; not charged with this violence. It is not matured in my mind; but the idea is formed, and I pledge myself to bring it forward. In recollecting the memorabilia of Mr. Fox, he must not forget the expression which came from him on that truly-memorable day, when the peace was discussed: "You called for a peace," says he, "speaking in the tone of the Minister of the day; you called for a peace, and I have given you a peace, such a peace that you shall repent of ever having sought a peace; such a peace as shall make you feel, and suffer for your conduct. I shall make you rue the day that you dared to pester me with so
imperiu-

impertinent a demand." How applicable would this sentence be to his present conduct! Might he not now, in his own person, say, you called for something to be done for the East Indies; you asked for some settlement of that government; you said that something must be done immediately; and something shall be done; but it shall be so done, that you shall repent the longest day you have to live of your interference in the matter. He talked of the liberty allowed to the Westminster Committee to meet, propose amendments of the laws, superintend Parliament, and control its conduct, and compared it with the not suffering the East-India Company to be heard or to make their defence, when their chartered rights and properties were in imminent danger. He concluded with repeating the declaration, that if the House should throw out this bill, he pledged himself to bring forward one which would, in his mind, answer the exigencies, without the violence or danger of this measure.

Mr. Fox then rose, and, in a speech of considerable Mr. Fox, length, delivered himself to the following effect:

S I R,

The necessity of my saying something upon the present occasion, is so obvious to the House, that no apology will, I hope, be expected from me in troubling them even at so late an hour, (two o'clock in the morning.) I shall not enter much into a detail, or minute defence, of the particulars of the bill before you, because few particular objections have been made. The opposition to it consisting only in general reasonings, of little application some, and some totally distant from the point in question.

This bill has been combated through its past stages upon various principles; but to this moment the House has not heard it canvassed upon its own intrinsic merits. The debate this night has turned chiefly upon two points — *violation of charter*, and *increase of influence*; and upon both these points I shall say a few words.

The honourable gentleman, who opened the debate, (Mr. Powys) first demands my attention, not indeed for the wisdom of the observations which fell from him this night, (acute and judicious though he is upon most occasions) but from the natural weight of all such characters in this country, the aggregate of whom should, in my opinion, always decide upon public measures: but his ingenuity was never, in my opinion, exerted more ineffectually, upon more mistaken

taken principles, and more inconsistent with the common tenor of his conduct, than in this debate.

The honourable gentleman charges me with abandoning that cause, which, he says, in terms of flattery, I had once so successfully asserted. I tell him, in reply, that if he were to search the history of my life, he would find that the period of it, in which I struggled most for the real, substantial cause of liberty, is this very moment that I am addressing you. Freedom, according to my conception of it, consists in the safe and sacred possession of a man's property, governed by laws defined and certain; with many personal privileges, natural, civil, and religious, which he cannot surrender without ruin to himself; and of which to be deprived by any other power, is despotism. This bill, instead of subverting, is destined to stabilitate these principles; instead of narrowing the basis of freedom, it tends to enlarge it; instead of suppressing, its object is to infuse and circulate the spirit of liberty.

What is the most odious species of tyranny? Precisely that which this bill is meant to annihilate. That a handful of men, free themselves, should execute the most base and abominable despotism over millions of their fellow creatures; that innocence should be the victim of oppression; that industry should toil for rapine; that the harmless labourer should sweat, not for his own benefit, but for the luxury and rapacity of tyrannic depredation. In a word, that thirty millions of men, gifted by Providence with the ordinary endowments of humanity, should groan under a system of despotism, unmatched in all the histories of the world.

What is the end of all government? Certainly the happiness of the governed — Others may hold other opinions; but this is mine, and I proclaim it. What are we to think of a government, whose good fortune is supposed to spring from the calamities of its subjects, whose aggrandisement grows out of the miseries of mankind? This is the kind of government exercised under the East-India Company upon the natives of Indostan; and the subversion of that infamous government is the main object of the bill in question. But in the progress of accomplishing this end, it is objected that the charter of the Company should not be violated; and upon this point, Sir, I shall deliver my opinion without disguise. A charter is a trust to one or more persons for some given benefit. If this trust be abused, if the benefit be not obtained, and that its failure arises from palpable guilt, or
(what

(what in this case is full as bad) from palpable ignorance or mismanagement, will any man gravely say, that trust should not be resumed, and delivered to other hands, more especially in the case of the East-India Company, whose manner of executing this trust, whose laxity and langour produced, and tend to produce, consequences diametrically opposite to the ends of confiding that trust, and of the institution for which it was granted? — I beg of gentlemen to be aware of the lengths to which their arguments upon the intangibility of this charter may be carried. Every syllable virtually impeaches the establishment by which we sit in this House, in the enjoyment of this freedom, and of every other blessing of our government. These kind of arguments are batteries against the main pillar of the British constitution. Some men are consistent with their own private opinions, and discover the inheritance of family maxims, when they question the principles of the Revolution; but I have no scruple in subscribing to the articles of that creed which produced it. Sovereigns are sacred, and reverence is due to every King: yet, with all my attachments to the person of a first magistrate, had I lived in the reign of James the Second, I should most certainly have contributed my efforts, and borne part in those illustrious struggles which vindicated an empire from hereditary servitude, and recorded this valuable doctrine, *that trust abused was revocable*.

No man will tell me, that a trust to a company of merchants, stands upon the solemn and sanctified ground by which a trust is committed to a Monarch; and I am at a loss to reconcile the conduct of men who approve that resumption of violated trust, which rescued and re-established our unparalleled and admirable constitution with a thousand valuable improvements and advantages at the Revolution, and who, at this moment, rise up the champions of the East-India Company's charter, although the incapacity and incompetence of that Company to a due and adequate discharge of the trust deposited in them by that charter, are themes of ridicule and contempt to all the world; and although, in consequence of their mismanagement, connivance, and imbecility, combined with the wickedness of their servants, the very name of an Englishman is detested, even to a proverb, through all Asia, and the national character is become degraded and dishonoured. To rescue that name from odium, and redeem this character from disgrace, are some of the objects of the present bill; and gentlemen

should indeed gravely weigh their opposition to a measure which, with a thousand other points not less valuable, aims at the attainment of these objects.

Those who condemn the present bill as a violation of the chartered rights of the East-India Company, condemn, on the same ground, I say again, the Revolution, as a violation of the chartered rights of King James II. He, with as much reason, might have claimed the property of dominion ; but what was the language of the people ? No, you have no property in dominion ; dominion was vested in you, as it is in every chief magistrate, for the benefit of the community to be governed ; it was a sacred trust delegated by compact ; you have abused the trust ; you have exercised dominion for the purposes of vexation and tyranny — not of comfort, protection, and good order ; and we therefore resume the power which was originally ours : we recur to the first principles of all government, the will of the many ; and it is our will that you shall no longer abuse your dominion. The case is the same with the East-India Company's government over a territory, as it has been said by Mr. Burke, of 280,000 square miles in extent, nearly equal to all Christian Europe, and containing 30,000,000 of the human race. It matters not whether dominion arises from conquest, or from compact. Conquest gives no right to the conqueror to be a tyrant ; and it is no violation of right to abolish the authority which is misused.

Having said so much upon the general matter of the bill, I must beg leave to make a few observations upon the remarks of particular gentlemen ; and first of the learned gentleman over against me (Mr. Dundas.) The learned gentleman has made a long, and, as he always does, an able speech ; yet, translated into plain English, and disrobed of the dexterous ambiguity in which it has been enveloped, what does it amount to ? To an establishment of the principles upon which this bill is founded, and an indirect confession of its necessity. He allows the frangibility of charters, when absolute occasion requires it, and admits that the charter of the Company should not prevent the adoption of a proper plan for the future government of India, if a proper plan can be achieved upon no other terms. The first of these admissions seems agreeable to the civil maxims of the learned gentleman's life, so far as a maxim can be traced in a political character, so various and flexible : and to deny the second of these concessions was impossible, even for the
learned

learned gentleman, with a staring reason * upon your table to confront him if he attempted it. The learned gentleman's bill, and the bill before you, are grounded upon the same bottom, of abuse of trust, mal-administration, debility, and incapacity in the Company and their servants; but the difference in the remedy is this: the learned gentleman's bill opens a door to an influence a hundred times more dangerous than any that can be imputed to this bill, and deposits in one man an arbitrary power over millions, not in England, where the evil of this corrupt Ministry could not be felt, but in the East Indies, the scene of every mischief, fraud, and violence. The learned gentleman's bill afforded the most extensive latitude for malversation; the bill before you guards against it with all imaginable precaution. Every line in both the bills which I have had the honour to introduce, presumes the possibility of bad administration, for every word breathes suspicion. This bill supposes that men are but men; it confides in no integrity, it trusts no character; it inculcates the wisdom of a jealousy of power, and annexes responsibility not only to every *action*; but even to the *inaction* of those who are to dispense it. The necessity of these provisions must be evident, when it is known that the different misfortunes of the Company resulted not more from what the servants *did*, than from what the masters did *not*.

To the probable effects of the learned gentleman's bill and this, I beg to call the attention of the House. Allowing, for argument's sake, to the Governor General of India, under the first-named bill, the most unlimited and superior abilities, with soundness of heart and integrity the most unquestionable; what good consequences could be reasonably expected from his extraordinary, extravagant, and unconstitutional power, under the tenure by which he held it? Were his projects the most enlarged, his systems the most wise and excellent which human skill could advise; what fair hope could be entertained of their eventual success, when, perhaps, before he could enter upon the execution of any measure, he may be recalled in consequence of one of those changes in the administrations of this country, which have been so frequent for a few years, and which some good men wish to see every year? Exactly the same reasons which banish all rational hope of benefit from an

* Mr. Dundas's bill, brought in last year.

Indian administration under the bill of the learned gentleman, justify the duration of the proposed commission. If the dispensers of the plan of governing India, (a place from which the answer of a letter cannot be expected in less than twelve months) have not greater stability in their situations than a British Ministry—adieu to all hopes of rendering our Eastern territories of any real advantage to this country, adieu to every expectation of purging or purifying the Indian system, of reform, of improvement, of reviving confidence, of regulating the trade upon its proper principles, of restoring tranquillity, of re-establishing the natives in comfort, and of securing the perpetuity of these blessings, by the cordial reconciliation of the Indians with their former tyrants upon fixed terms of amity, friendship, and fellowship. I will leave the House and the kingdom to judge which is best calculated to accomplish those salutary ends; the bill of the learned gentleman, which leaves all to the discretion of one man, or the bill before you which depends upon the duty of several men, who are in a state of daily account to this House, of hourly account to the Ministers of the Crown, of occasional account to the Proprietors of East-India stock, and who are allowed sufficient time to practise their plans, unaffected by every political fluctuation.

But the learned gentleman wishes the appointment of an Indian Secretary of State in preference to these Commissioners: in all the learned gentleman's ideas on the government of India, the notion of a new Secretary of State for the Indian department springs up, and seems to be cherished with the fondness of consanguinity*; but that scheme strikes me as liable to a thousand times more objections than the plan in agitation. Nay, the learned gentleman had rather, it seems, the affairs of India were blended with the business of the office which I have the honour to hold. His good disposition towards me upon all occasions cannot be doubted, and his sincerity in this opinion is unquestionable. I beg the House to attend to the reason which the learned gentleman gives for this preference, and to see the

* Mr. Dundas's bill was to have appointed a Secretary of State for the Indian department, and to have made the Governor General despotic in India. If the Earl of Shelburne had continued in power, it was understood that Mr. Dundas was to be the Indian Secretary. Mr. Fox here alluded to this anecdote.

plights to which men, even of his understanding, are reduced, who *must* oppose. He laughs at the responsibility of the Commissioners to this House, who, in his judgment, will find means of soothing, and softening, and meliorating the members into an oblivion of their mal-administration. What opinion has the learned gentleman of a Secretary of State? Does he think *him* so inert, so inactive, so incapable a creature, that with all this vaunted patronage of the seven in his own hands, the same means of soothing, and softening, and meliorating are thrown away upon him. The learned gentleman has been for some years conversant with Ministers; but his experience has taught him, it seems, to consider Secretaries not only untainted and immaculate, but innocent, harmless, and incapable. In his time, Secretaries were all purity—with every power of corruption in their hands; but so inflexibly attached to rigid rectitude, that no temptation could seduce them to use that power for the purpose of corrupting, or, to use his own words, for soothing, or softening, or meliorating. The learned gentleman has formed his opinion of the simplicity and inaction of Secretaries, from that golden age of political probity, when his own friends were in power, and when himself was every thing but a Minister. This erroneous humanity of opinion arises in the learned gentleman's unsuspecting, un sullied nature, as well as in a commerce with only the best and purest Ministers of this country, which has given him so favourable an impression of a Secretary of State, that he thinks this patronage, so dangerous in the hands of seven Commissioners, perfectly safe in *his* hands. I leave to the learned gentleman that pleasure which his mind must feel under the conviction with which he certainly gives this opinion; but I submit to every man who hears me, what would be the probable comments of the other side of the House, had I proposed either the erection of an Indian Secretary, or the annexation of the Indian business to the office which I hold.

In the assemblage of the learned gentleman's objections, there is one still more curious than those I have mentioned. He dislikes this bill because it establishes an *imperium in imperio*. In the course of opposition to this measure, we have been familiarized to hear certain sentiments and particular words in this House—but directed, in reality, to other places. Taking it therefore for granted, that the learned gentleman has not so despicable an idea of the good sense

sense of the members, as to expect any more attention within these walls to such a dogma, than has been shewn to the favourite phrase of his honourable friend near him, (Mr. William Pitt) who calls a bill which backs this sinking Company with the credit of the State, a *confiscation* of their *property*, I would wish to ask the learned gentleman, if he really holds the understanding, even of the multitude, in such contempt, as to imagine this species of argument can have the very slightest effect? The multitude know the fallacy of it as well as the learned gentleman himself. They know that a dissolution of the East-India Company has been wished for scores of years, by many good people in this country, for the *very reason* that it was an *imperium in imperio*. Yet the learned gentleman, with infinite gravity of face, tells you he dislikes this bill, because it establishes this novel and odious principle. Even a glance of this bill, compared with the present constitution of the Company, manifests the futility of this objection, and proves that the Company is, in its present form, a thousand times more an *imperium in imperio* than the proposed Commissioners. The worst species of Government is that which can run counter to all the ends of its institution with impunity. Such exactly was the East India Company. No man can say, that the Directors and Proprietors have not, in a thousand instances, merited severe infliction; yet who did ever think of a legal punishment for either body? Now the great feature of this bill is to render the Commissioners amenable, and to punish them upon delinquency.

The learned gentleman prides himself that his bill did not meddle with the commerce of the Company; and another gentleman, after acknowledging the folly of leaving the government in the hands of the Company, proposes to separate the commerce entirely from the dominion, and leave the former safe and untouched to the Company itself. I beg leave to appeal to every gentleman conversant in the Company's affairs, whether this measure is, in the nature of things, practicable at this moment. That the separation of the commerce from the government of the East may be ultimately brought about I doubt not; but when gentlemen reflect upon the immediate state of the Company's affairs, when they reflect that their government was carried on for the sake of their commerce, that both have been blended together for such a series of years; when they review the peculiar,

peculiar, perplexed, and involved state of the eastern territories, their dissimilitude to every system in this part of the globe, and consider the deep and laborious deliberation with which every step for the establishment of a salutary plan of government, in the room of the present odious one, must be taken—the utter impossibility of instantly detaching the governing power from interference with the commercial body, will be clear and indubitable.

A gentleman has asked, why not choose the Commissioners out of the body of Directors; and why not leave the choice of the Assistant Directors in the Court of Proprietors? That is to say, why not do that which would infallibly undoe all you are aiming at? I mean no general disparagement when I say that the body of the Directors have given memorable proofs that they are not the sort of people to whom any man can look for the success or salvation of India. Amongst them there are, without doubt, some individuals respectable, both for their knowledge and integrity; but I put it to the candour of gentlemen, whether they are the species of men whose wisdom, energy, and diligence, would give any promise of emancipating the East-India concerns from their present disasters and disgraces. Indeed both questions may be answered in two words. Why not choose the Directors, *who have ruined the Company?* Why not leave the power of election in the Proprietors, *who have thwarted every good attempted by the Directors?*

The last point adverted to by the learned gentleman relates to *influence*; and upon his remarks, combined with what fell from some others upon the same subject, I beg leave to make a few observations. Much of my life has been employed to diminish the inordinate influence of the Crown. In common, with others, I succeeded, and I glory in it. To support that kind of influence which I formerly subverted, is a deed of which I shall never deserve to be accused. The affirmation with which I first introduced this plan, I now repeat; I re-assert, that this bill as little augments the influence of the Crown, as any measure which can be devised for the government of India, that presents the slightest promise of solid success, and that it tends to encrease it in a far less degree than the bill proposed by the learned gentleman. The very genius of influence consists in hope or fear; fear of losing what we have, or hope of gaining more. Make these Commissioners removeable at will,

will, and you set all the little passions of human nature afloat. If benefit can be derived from the bill, you had better burn it than make the duration short of the time necessary to accomplish the plans it is destined for. *That* consideration pointed out the expediency of a fixed period; and in that respect it accords with the principle of the learned gentleman's bill; with this superior advantage, that instead of leaving the Commissioners liable to all the influence which springs from the appointment of a Governor General, removeable at *pleasure*, this bill invests them with the power for *the time specified* upon the same tenure that British Judges hold their station, removeable upon delinquency, punishable upon guilt, but fearless of power if they discharge their trust, liable to no seducement, and with full time and authority to execute their functions for the common good of the country, and for their own glory. I beg of the House to attend to this difference, and then judge upon the point of increasing the influence of the Crown, contrasted with the learned gentleman's bill.

The state of accusations against me upon this subject of *influence*, is truly curious. The learned gentleman, (Mr. Dundas) in strains of emphasis, declares, that this bill diminishes the influence of the Crown beyond all former attempts, and calls upon those who formerly voted with him in support of that influence, against our efforts to reduce it, and who now sit near me, to join him now in opposing my attempts to diminish that darling influence. He tells them *I out-berod Herod*; that I am out doing all my former outdoings; and proclaims me as the merciless and insatiate enemy of the influence of the Crown.

Down sits the learned gentleman, and up starts an honourable gentleman, with a charge against me, upon the same subject, of a nature the direct reverse. I have fought under your banner, cries the honourable gentleman, (Mr. Martin) against that fell giant, the influence of the Crown; I have bled in that battle which you commanded, and have a claim upon the rights of soldiership. You have conquered through us; and now that victory is in your arms, you turn traitor to our cause, and carry over your powers to the enemy. The fiercest of your former combatants in the cause of influence, falls far short of you at this moment; your attempts in re-erecting this monster, exceed all the exertions of your former foes. This night you will make the influence of the Crown a colossus, that shall bestride the land,
and

and crush every impediment. I impeach you for treachery to your ancient principles — come, come, and divide with us !

This honourable gentleman, after a thrust or two at the Coalition, sits down ; and whilst the House is perplexing itself to reconcile these wide differences, the right honourable gentleman over the way (Mr. W. Pitt) confounds all past contradictions, by combining, in his own person, these extravagant extremes. He acknowledges that he has digested a paradox ; and a paradox well he might call it, for never did a grosser one puzzle the intellects of a public assembly. By a miraculous kind of discernment he has found out, that the bill both *increases* and *diminishes* the influence of the Crown.

The bill diminishes the influence of the Crown, says one ; you are wrong, says a second, it increases it : you are both right, says a third, for it both increases and diminishes the influence of the Crown. Now, as most members have one or other of these opinions upon the subject, the honourable gentleman can safely join with all parties upon this point ; but few, I trust, will be found to join him.

Thus, Sir, is this bill combated, and thus am I accused. The nature and substance of these objections I construe as the strongest comment upon the excellence of the bill. If a more rational opposition *could* be made to it, no doubt it would. The truth is, it increases the influence of the Crown, and the influence of party as little as possible ; and if the reform of India, or any other matter, is to be postponed until a scheme be devised, against which ingenuity, or ignorance, or caprice, shall not raise objections, the affairs of human life must stand still.

I beg the House will attend a little to the manner in which the progress of this bill has been retarded, especially by the right honourable gentleman (Mr. Pitt.) First, the members were not all in town, and time was desired upon that account. Next, the finances of the East-India Company were misstated by me, and time was desired to prove that. The time came, the proofs exhibited, counsel heard, and yet the issue was, that my former statement, instead of being controverted, became more established by the very proofs which were brought to overturn it. The honourable gentleman has misrepresented me to-night again : he has an evident pleasure in it, which indeed I cannot prevent ; but I can prevent this House and this country from believing him.

He prefers the authority of his own conception (eager enough in all conscience to misunderstand me) of what I said to my own repeated declarations of my own meaning. He supposes a mistake because he wishes it. I never did say the Company were absolute bankrupts to the amount of the debt, but I said there was immediate necessity of paying that given sum, without any immediate means of providing for it. The account of the Company's circumstances, presented last week, furnished matter of triumph to the honourable gentleman for the full space of *three hours*, that is to say, whilst counsel were at the bar. I made no objection to the account but this *trifling* one — that 12,000,000*l.* were stated which ought not to appear at all there, and which were placed there only for delusion and fallacy. I never objected to the arithmetic of the account. The sum, I doubt not, were accurately cast up even to a figure: yet the House will recollect, that the honourable gentleman, about this very hour of that debate, endeavoured to protract the business to the next day, upon assuring the House that the Company would then support their statement. I refused to accede, because I knew the matter to be mere shifting, and unbecoming for a vote, and that the Company *could not* support their statement. Was I right? The House sees whether I was: the House sees the finance post is now totally abandoned; and for the best reason in the world, because it is no longer tenable. But the honourable gentleman is indeed a man of resources; he now gives me a challenge, and I beg the House to remark, that I accept his challenge, and that I prophesy he will no more meet me upon this than upon the former points.

But there is no limit to a youthful and vigorous fancy — The right honourable gentleman just now, in very serious terms, and with all his habitual gravity, engages, if the House will join in opposing us to-night, that he will digest and methodise a plan, the outline of which he has already conceived. He has nothing *now* to offer; but justly confiding in the fertility of his own imagination, and the future exercise of his faculties, he promises that he will bring a plan, *provided* the majority of this House will join him to-night. Now, if ever an idea was thrown out to pick up a stray vote or two in the heel of a debate, by a device, the idea given a while ago by the honourable gentleman is precisely such; but if I can augur rightly from the complexion

tion of the House, his present will have exactly the same success with all his past stratagems to oppose this bill *.

His learned friend, (Mr. Dundas) with singular placidness, without smile or sneer, has said, "as this measure was probably decided upon some time since, the East-India Company, *who could not expect such a blow*, ought to have been informed of the intended project. The Company was evidently unaware of this attack, and, in fairness, should have been apprised of it." Does the learned gentleman imagine men are in their sober senses, who listen to such cavilling and quibbling opposition? The Company unaware of this attack! The learned gentleman's own labours, independent of any other intimation, had been an ample warning to the Company to be prepared. Every man in the kingdom, who reads a newspaper, expected something; and the only wonder with the nation was, how it could be so long delayed. The reports of the Committees alarmed the public so much, for the honour of the country, and for the salvation of the Company, that all eyes were upon East-India affairs. This sort of observation had indeed much better come from any other man in this House, than from that identical gentleman.

If these were not sufficient to rouse the attention and diligence of the Company, his Majesty's speech at the commencement and conclusion of the late session of Parliament, gave them note of preparation in the most plain and decisive terms. In his opening speech, his Majesty thus speaks to Parliament upon the subject of India: —

"The regulation of a vast territory in Asia, opens a large field for your wisdom, prudence, and foresight: I trust that you will be able to form some fundamental laws which may make their connection with Great Britain a blessing to India; and that you will take therein proper measures to give all foreign nations, in matters of foreign commerce, an entire and perfect confidence in the probity, punctuality, and good order of our government. You may be assured that whatever depends upon me, shall be executed with a steadiness, which can alone preserve that part of my dominions, or the commerce which arises from it."

The learned gentleman, who knows more of the dispositions of the cabinet at that time than I do, can better tell

* He was right; for the Ministry had an accession of five votes this night, above the former division:

whether any measure of this nature was then intended. The words are very wide, and seem to portend at least something very important; but whether any thing similar to this measure was meant, as this passage seems to imply, or not, is indifferent to the point in question. This is clear from it, that it gives a very ceremonious warning to the East-India Company; enough surely to expose the weakness and futility of the learned gentleman's remark. The changes and circumstances of the Cabinet, in the course of the last session, can be the only excuse for the delay of some decisive measure with regard to India; and if in addition to all these, any thing more is requisite to confirm the notoriety of Parliament's being to enter upon the business, the following paragraph of the King's closing speech, last July, completes the mass of evidence against the learned gentleman.

His Majesty, after intimating a belief that he shall be obliged to call his Parliament together earlier than usual, thus speaks:—

“The consideration of the affairs of the East Indies will require to be resumed as early as possible, and to be pursued with a serious and unremitting attention.” Superadd to all this, the part of the King's opening speech this year upon India; and if the whole do not constitute sufficient testimony that the Company had full notice, nothing can.

Yet, notwithstanding all this, the learned gentleman accuses us of *surprising* the Company; and his right honourable friend, in hopes his proposal of another bill may have weight in the division—repeats the hacknied charge of *precipitation*, and forces the argument for delay in a taunt, “that we wish to get rid of our torments, by sending this bill to the other House.” The honourable gentleman's talents are splendid and various; but I assure him, that all his efforts, for the last eight days, have not given me a single torment. Were I to chuse a species of opposition to insure a ministerial tranquillity, it would be the kind of opposition which this bill has received, in which every thing brought to confute, has tended to confirm, and in which the arguments adduced to expose the weakness, have furnished materials to establish the wisdom of the measure: so impossible is it, without something of a tolerable cause, even for the right honourable gentleman's abilities to have effect, though his genius may make a flourishing and superior figure in the attempt.

Before

Before I proceed to the other parts of the debate, I wish to say one word upon a remark of the learned gentleman: he says, that the clause relative to the zemindars was suggested by his observations. God forbid I should detract from the merit, or diminish the desert of any man. Undoubtedly that excellent part of the Regulation bill derives from the learned gentleman; and if he were in this House when I introduced the subject of India, he would have known that I did him full and complete justice upon that point.

My noble friend (Lord John Cavendish) has said, this bill does not arise from the poverty of the Company, but that liberal policy and national honour demanded it. Upon the last day this bill was debated, I confined myself chiefly to the demonstration of the fallacy and imposture of that notable schedule presented by the East-India Company; and having proved its falsehood, I can now with the greater safety declare, that if every shilling of that fictitious property was real and forth coming, a bill of this nature was not therefore the less necessary. I thought we were fully understood upon this point, from the opening speech in this business, which did not so degrade the measure as to say it originated in the poverty of the Company, which, as my noble friend rightly remarks, was the smallest reason to its adoption, and which opinion is not, as the right honourable gentleman insinuates, "shifting," but recognising and recording the true grounds of the bill. If any misunderstanding then has hitherto taken place upon this head, it will, I trust, cease henceforth, and so odious a libel upon this country will not pass current, as that sordid motives only induced the government of England to *that* which we were bound to do, as politicians, as Christians, and as men, by every consideration which makes a nation respectable, great, and glorious!

Having vindicated the bill from this aspersions, and founded it upon that basis which every honest and sensible man in England must approve, I may be allowed to say that some regard may be had even to the mean and mercenary upon this subject (a portion of whom we have here, in common with all other countries.) Will such men endure with temper a constant drain upon this kingdom, for the sake of this monopolizing corporation? Will those, for instance, who clamour against a two-penny tax, afford, with good humour, million after million to the East-India Company?

pany? The Sinking Fund is at this moment a million the worse for the deficiencies of the Company, and as the noble Lord (Lord John) says, an extent must in three weeks arrest their property, if Parliament does not interpose or enable them to discharge a part of their debt to the Crown. Let those, therefore, who think the commerce ought to be instantly separated from the dominion, (were that at this time possible) and who think it ought to be left wholly in the present hands, reflect, that the formation of a vigorous system of government for India is not more incumbent upon us, than the establishment of the eastern trade upon such principles of solidity and fitness, as shall give some just hopes that the public may be speedily relieved from the monstrous pressure of constantly supporting the indigence of the Company.

I have spoke of myself very often in the course of what I have said this night, and must speak still more frequently in the course of what I have to say: the House will see this awkward task is rendered indispensable, infinitely more having been said concerning me, during the debate, than concerning the question, which is the proper subject of agitation. The right honourable gentleman (Mr. Pitt) says, that nothing ever happened to give him an ill impression of my character, or to prevent a mutual confidence. He says rightly; there have been interchanges of civility, and amicable habits between us, in which I trust I have given him no cause to complain. But after pronouncing a brilliant eulogy upon me and my capacity to serve the country, the honourable gentleman considers me at the same time the most dangerous man in the kingdom, (Mr. Pitt said across the House, "*dangerous only from this measure*," "*sure.*") To which Mr. Fox instantly made this reply) I call upon the House to attend to the honourable gentleman; he thinks me dangerous *only from this measure*, and confesses that *hitherto* he has seen nothing in my conduct to obliterate his good opinion. Compare this with his opposition during the last and the present session. Let every man reflect that up to this moment the honourable gentleman deemed me worthy of confidence, and competent to my situation in the State. I thank him for the support he has afforded to the Minister he thus esteemed, and shall not prize the advantage he gives me, farther than leaving to himself to reconcile his practice and his doctrine in the best manner he can.

The honourable gentleman could not for one night pass by the *coalition*, yet I think he might have chosen a fitter time to express his indignation against the noble Lord (Lord North) than the present moment. An attack upon the noble Lord in his presence would bear a more liberal colour; and the cause of his absence now *, would surely rather disarm than irritate a generous enemy. There are distinctions in hatred, and the direct foes upon such occasions moderate their aversion. The coalition is, however, a fruitful topic, and the power of traducing it, which the weakest and meanest creatures in the country enjoy and exercise, is of course equally vested in men of rank and parts, though every man of parts and rank would not be apt to participate the privilege. Upon the coalition, the honourable gentleman is welcome to employ his ingenuity, but upon another subject alluded to him, I shall beg leave to advise, nay even to instruct him.

In what system of ethics will the honourable gentleman find the precept taught of ripping up old sores, and reviving animosities among individuals, of which the parties themselves retain no memory †? This kind of practice may incur a much worse charge than weakness of understanding, and subject a man to much greater imputations than are commonly applied to political mistakes or party violence. The soundness of the heart may be liable to suspicion, and the moral character be in danger of suffering by it, in the opinion of mankind. To cover the heats, and obliterate the sense of former quarrels between two persons, is a very distinguished virtue: to renew the subject of *such* differences, and attempt the revival of *such* disputes, deserves a name which I could give it, if that honourable gentleman had not forgotten himself, and fallen into some such deviation. He values himself, I doubt not, too much, again to make a similar slip, and must even feel thankful to me for the counsel I thus take the liberty to give him.

An honourable gentleman under the gallery, (Mr. Martin) to whom an abuse of the coalition seems a sort of luxury, wishes that a starling were at the right hand of the

* Lord North left the house, in a state of indisposition, about midnight.

† Alluding to the passage of that famous speech of Mr. Fox's, which produced the duel between him and Mr. Adam, quoted by Mr. Pitt.

chair to cry out disgraceful coalition ! Sir, upon this subject I shall say but a few words :

The calamitous situation of this country required an Administration whose stability could give it a tone of firmness with foreign nations, and promise some hope of restoring the faded glories of the country. Such an Administration could not be formed without *some* junction of parties ; and if former differences were to be an insurmountable barrier to union, no chance of salvation remained for the country, as it is well known, that four public men could not be found, who had not, at one time or other, taken opposite sides in politics. The great cause of difference between us and the noble Lord in the blue ribband no longer existed ; his personal character stood high ; and thinking it safer to trust him than those who had before deceived us, we preferred to unite with the noble Lord. A similar junction, in 1757, against which a similar clamour was raised, saved the empire from ruin, and raised it above the rivalry of all its enemies. The country, when we came into office, bore not a very auspicious complexion ; yet, Sir, I do not despair of seeing it once again resume its consequence in the scale of nations, and make as splendid a figure as ever. Those who have asserted the impossibility of our agreeing with the noble Lord and his friends, were false prophets ; for events have belied their augury. We have differed like men, and like men we have agreed.

A body of the best and honestest men in this House, who serve their country without any other reward than the glory of the disinterested discharge of their public duty, approved that junction, and sanctify the measure by their cordial support.

Such, Sir, is this coalition, which the state of the country rendered indispensable ; and for which the history of every country records a thousand precedents, yet to this the term disgraceful is applied. Is it not extraordinary, then, that gentlemen should be under such spells of false-delusion, as not to see, that if calling it disgraceful makes it so, these epithets operate with equal force against themselves. If the *coalition* be disgraceful, what is the *anti-coalition* ? When I see the right honourable gentleman (Mr. Pitt) surrounded by the early objects of his political, nay his hereditary* hatred, and hear him revile the coalition, I am

* Mr. Jenkinson sat near Mr. Pitt, Mr. Dundas, &c.

lost in the astonishment how men can be so blind to their own situation, as to attempt to wound us in this particular point, possessed as we are of the power of returning the same blow, with the vulnerable part staring us directly in the face. If the honourable gentleman under the gallery wishes that a starling were perched upon the right hand of the chair, I tell him, that the wish is just as reasonable, to have another starling upon the left hand of the chair, to chirp up *coalition* against *coalition*, and so harmonize their mutual disgrace, if disgrace there be.

With the same consistency, an honourable gentleman calls us *deserters* — *us* ! a few cold and disaffected members fall off, then turn about, and, to palliate their own defection, call the body of the army *deserters* ! *We* have not deserted ; here we are a firm phalanx. Deserted indeed we have been in the moment of disaster, but never dejected, and seldom complaining. Some of those who rose upon our wreck, and who eagerly grasped that power which we had the labour of erecting, now call us deserters. We retort the term with just indignation. Yet whilst they presume we have the attributes of men, they would expect us to have the obduracy of savages. They would have our resentments insatiate, our rancour eternal. In our opinion, an oblivion of useless animosity is much more noble ; and in that, the conduct of our accusers goes hand in hand with us. But I beg of the House, and I wish the world to observe, that although, like them, we have abandoned our enmities, we have not, like them, relinquished our friendships ; but there are a set of men, who, from the mere vanity of having consequence as decisive voters, object to all stable Government ; these men hate to see an Administration so fixed, as not to be moveable by their vote. They assume their dignity on the mere negative merit of not accepting places, and in the pride of this self-denial, and the vanity of fancied independence, they object to every system that has a solid basis, because their consequence is unfelt. Of such men I cannot be the panegyrist, and I am sorry that some such men are among the most estimable in the House.

An honourable gentleman advises me for the future, not to mention the name of the Marquis of Rockingham, who, he says, would never countenance a bill of this kind. This is indeed imposing hard conditions upon those who have willingly suffered a sort of political martyrdom in the

cause of that noble Lord's principles, those who surrendered pomp and power, rather than remain where his principles ceased to be fashionable, and were withering into contempt. I venerate the name of that noble Marquis, and shall ever mention it with love and reverence; but at no period of my life with more confidence than at this moment, when I say, that his soul speaks in every line of the bill before you, for his soul speaks in every measure of virtue, wisdom, humane policy, general justice, and national honour. The name of the noble Lord who enjoys his fortune, has been mentioned in this debate, and will be mentioned again by me; I will tell the honourable gentlemen, that this noble Lord, (Earl Fitzwilliam) though not the issue of his loins, inherits, with his property, the principles of that noble Marquis in all their purity and soundness; and is as incapable as that noble Marquis himself, or as any man on earth, of countenancing any act which either immediately or ultimately tended to the prejudice of his country, or the injury of the constitution. I have had the honour of knowing the noble Earl from an early age. I have observed the motives of his actions; I am endeared to him by every tie of kindred sentiment, and of mutual principle. A character more dignified and exalted exists not in the empire; a mind more firmly attached to the constitution of his country: he is, what the nation would desire in the heir of Lord Rockingham, the only compensation that we could have for his loss.

An honourable gentleman (Mr. T. Pitt) at the other side, has used violent terms against this bill, and the movers of it. Sir, I tell that honourable gentleman, (looking directly in the face of Mr. T. Pitt) that the movers of this bill are not to be brow-beaten by studied gesture, nor frightened by tremulous tones, solemn phrases, or hard epithets. To arguments they are ready to reply; but all the notice they can take of assertions, is to mark to the House, that they are *only* assertions. The honourable gentleman again repeats his favourite language of our having *seized upon the Government*; his Majesty changed his Ministry last April, in consequence of a vote of this House; his Majesty did the same twelve months before, in consequence of a vote of this House. His Majesty in so doing followed the example of his predecessors; and his successors will, I doubt not, follow the example of his Majesty. The votes of Parliament have always decided upon
the

the duration of Ministry, and always will, I trust. It is the nature of our constitution; and those who dislike it, had better attempt to alter it. The honourable gentleman called the change in 1782 a glorious one; this in 1783 a disgraceful one. Why? For a very obvious, though a very bad reason. The honourable gentleman assisted in effecting the first, and strenuously laboured to prevent the second. The first battle he fought with us; the second against us, and we vanquished him. In 1782 his friends were *out*, and would be *in*. In 1783 his friends were *in*, nor *would* go out. Thus having done without him what we once did with him, the House sees his motive. It is human nature certainly; but certainly not the better part of human nature. He says he is no party man, and he abhors a systematic opposition. I have always acknowledged myself to be a party man; I have always acted with a party in whose principles I have confidence, and if I had such an opinion of any Ministry as the gentleman professes to have of us, I would pursue their overthrow by a systematic opposition. I have done so more than once, and I think that, in succeeding, I saved my country. Once the right honourable gentleman, as I have said, was with me, and our conduct was fair, manly, constitutional, and honourable. The next time he was against me, and our conduct was violent and unconstitutional, it was treasonable, and yet the means were in both instances the same, the means were the votes of this House.

A game of a two-fold quality is playing by the other side of the House upon this occasion, to which I hope the House, and I hope the kingdom, will attend. They are endeavouring to injure us through two channels at the same time, through a certain great quarter, and through the people. They are attempting to alarm the first, by asserting that this bill increases the influence of Ministry *against* the Crown; and rousing the people, under an idea that it increases the influence of the Crown *against* them. That they will fail in both I doubt not. In the great quarter I trust they are well understood, and the princely mind of that high person is a security against their devices: they are running swiftly to take off whatever little imposition might have been put upon any part, even of the multitude. And I wish to rescue the character of the public understanding from the contemptuous implication, that it is capable of being gulled by such artifices. I feel for my country's honour when I say, that Englishmen, free themselves, and fond of giving freedom to others, disdain these stratagems,

and are equally above the silliness of crediting the revilers of this act, as above the baseness of confederating or making common cause with those who would support a system which has dishonoured this country, and which keeps thirty millions of the human race in wretchedness. I make allowances for the hair-brained headstrong delusions of folly and ignorance, and the effects of design. To such evils every measure is liable, and every man must expect a portion of the consequence. But for the serious and grave determinations of the public judgment I have the highest value, I ever had, and ever shall have. If it be a weakness, I confess it, that to lose the good opinion of even the meanest man, gives me some pain; and whatever triumph my enemies can derive from such a frame of mind, they are welcome to. I do not, after the example of the honourable gentleman who began this debate, (Mr. Powys) hold the opinion of constituents in disparagement. The clear and decided opinion of the more reasonable and respectable should, in my opinion, weigh the member upon the same principle that, I think, with the voice of the nation should prevail in this House, and in every other place. But when the representative yields to the constituent, it should indeed be by the majority of the reasonable and respectable, and not, as we shall see in a day or two, some of the honestest men in England voting against the most popular tax ever introduced into this House, in direct opposition to their own conviction, and *not* upon the opinion of either the more respectable or reasonable class of their constituents.

My noble friend, (Lord John) with his characteristic spirit, has said, that *we* never sought power by cabal or intrigue, or under-hand operations; and this he said in reply to an honourable gentleman, (Mr. T. Pitt) whose conduct demonstrates that he thinks *those* the surest path for his friends. This bill, as a ground of contention, is farcical: this bill, if it admitted it, would be combated upon its intrinsic qualities, and not by abusing the coalition, or raising a clamour about influence; but why don't the gentlemen speak out fairly, as we do; and then let the world judge between us? Our love and loyalty to the Sovereign are as ardent and firm as their own. Yet the broad basis of public character, upon which we received, is the principle by which we hope to retain this power, convinced that the surest road to the favour of the Prince, is by serving him with zeal and fidelity; that the safest path to popularity, is by reducing the
burden;

burden, and restoring the glory of the nation. Let those (looking at Mr. Jenkinson) who aim at office by *other* means, by inscrutable and mysterious methods, speak out; or, if they will not, let the world know it is because their arts will not bear examination, and that their safety consists in their obscurity. *Our* principles are well known; and I should prefer to perish with them, rather than prosper with any other.

The honourable gentleman under the gallery (Mr. Martin) also says, he dislikes systematic opposition. Whether perpetually rising up with peevish, capricious objections to every thing proposed by us, deserve that name or not, I leave the gentleman himself to determine, and leave the House to reflect upon that kind of conduct which condemns the theory of its own constant practice; but I meet the gentleman directly upon the principle of the term. He dislikes systematic opposition; now I like it. A systematic opposition to a dangerous government is, in my opinion, a noble employment for the brightest faculties; and if the honourable gentleman thinks our administration a bad one, he is right to contribute to its downfall. Opposition is natural in such a political system as ours; it has subsisted in all such governments; and perhaps it is necessary. But to those who oppose it, it is extremely essential that their manner of conducting it incur not a suspicion of their motives. If they appear to oppose from disappointment, from mortification, from pique, from whim, the people will be against them. If they oppose from public principle, from love of their country rather than hatred to administration, from evident conviction of the badness of measures, and a full persuasion that in their resistance to men, they are aiming at the public welfare, the people will be with them. We opposed upon *these* principles, and the people were with us; if we are opposed upon *other* principles, they will not be against us. Much labour has been employed to infuse a prejudice upon the present subject; and I have the satisfaction to believe, that the labour has been fruitless; (making a reasonable exception for the mistakes of the uninformed, the first impressions of novelty, and the natural result of deliberate malice) we desire to be tried by the test of this bill, and risk our character upon the issue: confiding thoroughly in the good sense, the justice, and the spirit of Englishmen. Not lofty sounds, nor selected epithets, nor passionate declamation

tion in this House, nor all the sordid efforts of interested men out of this House, (of men whose acts in the East have branded the British name, and whose ill-gotten opulence, working through a thousand channels to delude and debauch the public understanding) can fasten odium upon this measure, or draw an obloquy upon the authors of it. We have been tried in the cause of the public; and until we desert that cause, we are assured of public confidence and protection.

The honourable gentleman (Mr. Powys) has supposed for me a soliloquy, and has put into my mouth some things which I do not think are likely to be attributed to me: he insinuates that I was incited by avarice, or ambition, or party spirit. I have failings in common with every human being, beside my own peculiar faults: but of avarice I have indeed held myself guiltless. My abuse has been, for many years, even the profession of several people; it was their traffic, their livelihood; yet until this moment I knew not that avarice was in the catalogue of the sins imputed to me. Ambition I confess I have, but not ambition upon a narrow bottom, or built upon paltry principles. If, from the devotion of my life to political objects, if from the direction of my industry to the attainment of some knowledge of the Constitution, and the true interests of the British empire, the ambition of taking no mean part in those acts that elevate nations, and make a people happy, be criminal, that ambition I acknowledge. And as to party spirit — that I feel it, that I have been ever under its impulse, and that I ever shall, is what I proclaim to the world. That I am one of a party, a party never known to sacrifice the interests, or barter the liberties of the nation for mercenary purposes, for personal emolument or honours; a party linked together upon principles which comprehend whatever is dear and most precious to free men, and essential to a free constitution, is my pride and my boast.

The honourable gentleman has given me one assertion, which it is my pride to make: he says that I am connected with a number of the first families in the country. Yes, Sir, I have a peculiar glory that a body of men renowned for their ancestry, important for their possessions, distinguished for their personal worth, with all that is valuable to men at stake, hereditary fortunes and hereditary honours, deem me worthy of their confidence. With such men I am something — without them, nothing. My reliance is upon
their

their good opinion; and in that respect, perhaps, I am fortunate. Although I have a just confidence in my own integrity, yet as I am but man, perhaps it is well that I have no choice but between my own eternal disgrace and a faithful discharge of my public duty, whilst these kind of men are overseers of my conduct, whilst men whose uprightness of heart and spotless honour are even proverbial in the country, (looking at Lord John Cavendish) are the vigils of my deeds, it is a pledge to the public for the purity and rectitude of my conduct. The prosperity and honour of the country are blended with the prosperity and honour of these illustrious persons. They have so much at stake, that if the country falls, they fall with it; and to countenance any thing against its interest, would be a suicide upon themselves. The good opinion and protection of these men is a security to the nation for my behaviour, because if I lose them, I lose my all.

Having said so much upon the extraneous subjects introduced by the honourable gentleman into the debate, I shall proceed to make some observations upon the business in question. When the learned gentleman brought in his bill last year, the House saw its frightful features with just horror; but a very good method was adopted to soften the terrors of the extravagant power that bill vested in the Governor General. The name of a noble Lord (Lord Cornwallis) was sent forth at the same time, whose great character lent a grace to a proposition, which, destitute of such an advantage, could not be listened to for one moment. Now, Sir, observe how differently we have acted upon the same occasion.

Earl Fitzwilliam has been spoken of here this day, in those terms of admiration with which his name is always mentioned. Take notice, however, that we did not avail ourselves of the fame of his virtue and abilities in passing this bill through the House.

If such a thing were to have taken place as the institution of an Indian Secretaryship, (according to the suggestions of some gentlemen) this noble Lord would certainly have been the very person whom, for my part, I should have advised his Majesty to invest with that office! Yet, although his erect mind and spotless honour would have held forth to the public the fullest confidence of a faithful execution of its duties, the objections in regard to influence upon a removable officer, are tenfold in comparison with the present scheme.

scheme. The House must now see, that with all the benefits we might derive from that noble Lord's character — that although his name would have imparted a sanctity, an ornament, and an honour to the bill, we ushered it in without that ceremony, to stand or fall by its own intrinsic merits, neither shielding it under the reputation, nor gracing it under the mantle, of any man's virtue. Our merit will be more in this, when the names of those are known whom we mean to propose to this House, to execute this commission. (Name them, said Mr. Arden, across the House.) I will not — I will not name them; the bill shall stand or fall by its own merits, without aid or injury from their character. An honourable gentleman has said these commissioners will be made up of our "adherents and creatures." Sir, there is nothing more easy than to use disparaging terms; yet I should have thought the name of Earl Fitzwilliam would have given a fair presumption that the colleagues we shall recommend to this House for the co-execution of this business with that noble Lord, will not be of a description to merit these unhandſome epithets. I assure the honourable gentleman they are not. I assure him they are not men whose faculties of corrupting, or whose corruptibility, will give any alarm to this House, or to this country: they are men whose private and public characters stand high and untainted; who are not likely to countenance depredation, or participate the spoils of rapacity. They are not men to screen delinquency, or to pollute the service by disgraceful appointments. Would such men as Earl Fitzwilliam suffer unbecoming appointments to be made? Is Earl Fitzwilliam a man likely to do the dirty work of a Minister? If they, for instance, were to nominate a Paul Benfield to go to India in the Supreme Council, would Earl Fitzwilliam subscribe to his appointment? This is the benefit of having a commission of high honour, chary of reputation, noble and pure in their sentiments, who are superior to the little jobs and traffic of political intrigue.

But this bill, Sir, presumes not upon the probity of the men; it looks to the future possibility of dissimilar successors, and to the morality of the present commissioners, who are merely human, and therefore not incapable of alteration. Under all the caution of this bill, with the responsibility it imposes, I will take upon me to say, that if the aggregate body of this Board, determined to use all its power for the purpose of corruption, this House, and the people at large, would

would have less to dread from them, in the way of influence, than from a few Asiatics who will probably be displaced in consequence of this arrangement, some of whom will return to this country with a million, some with seven hundred thousand, some with five, beside the three or four hundred thousand of others, who are cut off in their career by the hand of fate. An inundation of such wealth is far more dangerous than any influence that is likely to spring from a plan of government so constituted as this proposed—whether the operation of such a mass of wealth be considered in its probable effects, upon the principles of the members of this House, or the manners of the people at large, more especially when a reflection that Orientalists are in general the most exemplary class of people in their morals; and in their deportment the most moderate, and corresponding with the distinction of their high birth and family, furnishes a very reasonable presumption, that the expenditure of their money will be much about as honourable as its acquirement.

I shall now, Sir, conclude my speech with a few words upon the opinion of the right honourable gentleman, (Mr. Pitt.) He says, “he will stake his character upon the danger of this bill.” I meet him in his own phrase, and oppose him, character to character; I risk my all upon the excellence of this bill; I risk upon it whatever is most dear to me, whatever men most value, the character of integrity, of talents, of honour, of present reputation and future fame; these, and whatever else is precious to me, I stake upon the constitutional safety, the enlarged policy, the equity, and the wisdom of this measure, and have no fear in saying, (whatever may be the fate of its authors) that this bill will produce to this country every blessing of commerce and revenue; and that by extending a generous and humane government over those millions whom the inscrutable destinations of Providence have placed under us in the remotest regions of the earth, it will consecrate the name of England amongst the noblest of nations.

Mr. Fox then recapitulated the heads of his speech, and sat down. He was upon his legs about an hour and a half.

Mr. Arden made a short reply, declaring he looked on the bill to be neither more nor less than a bargain between the right honourable Secretary and his noble colleague. The noble Lord and he had agreed, that the Secretary should

have the direction of the East-India patronage for the first five or seven years, and the noble Lord for ever after.

At length, it being half past four o'clock in the morning, the House divided : — Ayes, 217 ; Noes, 103. Majority, 114.

The House then went into the Committee ; but it being so late in the morning, it was agreed to report progress, and ask leave to sit again.

The report was made, and on Wednesday the House went into the Committee again.

December 3.

Mr. H.
Dundas.

Mr. *H. Dundas* moved, that a Committee be appointed to enquire into the expences and claims of the clerks who attended the Secret and Select Committees, and to report their opinion to the House. He also moved that the title of the act, whereby the proceedings, evidence, &c. relative to the bills of pains and penalties against Sir Thomas Rumbold, were to be kept alive, notwithstanding any prorogation of Parliament, be read ; the title having been read, he moved that a Committee of the whole House do proceed on Tuesday next to hear counsel on the said bill of pains and penalties. These different motions were carried without any debate.

Lord Dun-
cannon.

Lord *Duncannon* moved for the revival of the Committee to whom the complaints of embezzlements of stores in his Majesty's yard at Portsmouth had been referred during the last session of Parliament. The motion passed without opposition.

Mr. Pow-
ney.

Mr. *Powney* said, that the state of the jails throughout the kingdom called for the serious consideration of the House. An honourable member (Sir Charles Bunbury) would, he hoped, soon move a proposition, relative to the establishment of penitentiary houses ; but as the extent of the plans on which they were to be erected had alarmed some gentlemen, he wished that the House and the public might be able to form a judgment of the great numbers of persons that it might be found necessary to shut up in these houses ; for which purpose he moved for an account of all the convicts now in custody in the different jails of the kingdom, of the crimes of which they stood convicted, and of the sentences that had been passed upon them. This motion also passed without opposition.

The

The order of the day for going into a Committee on the bill for vesting the East-India Company's affairs, &c. in the hands of Commissioners, having been read on the motion of Mr. Fox; and the same gentleman having moved that the Speaker do leave the chair, the motion was carried without any debate; the House therefore resolved itself into a Committee, and Mr. Ord immediately took the chair; and having read over the beginning of the bill to that part where a blank was left for the names of the Commissioners,

Mr. Fox rose: he said that he was going to propose names Mr. Fox. to the House, which stood so high in the public opinion, that his recommendation, or any panegyric that he could pronounce upon them, could add no lustre to them: he thought therefore that he had only to name them, in order to gain the suffrages of every description of men in the House. He said, that, however, lest he should be mistaken in this opinion, he would not move all the seven names at once, but one by one, that gentlemen might have an opportunity of stating their objection, if any such there should be, to any particular name. He then moved, that the right honourable William Earl Fitzwilliam be one of the names to fill up the blank left for the names of the Commissioners. This motion passed without a word of debate. Mr. Fox said, that the next gentleman he intended to propose, had, exclusive of his public and private character, than which none stood higher in the country, another thing to recommend him, which, though it was not of itself a qualification, was nevertheless of no small weight on this occasion; he meant that he had been a member of the Secret Committee, from whose researches so much information had been derived to the House. This gentleman, he said, enjoyed at present a considerable employment under the Crown; but as there was a clause in the bill, which would render the enjoyment of any lucrative office under his Majesty incompatible with that of a Commissioner, he was authorised to say that his honourable friend would resign the former. He then moved that the name of the right honourable Frederick Montagu be added to that of Earl Fitzwilliam, towards filling up the blank.

Sir Edward Ashley said, it was impossible that he could have the least objection to either of the two names that had been Sir Edward Ashley.

just proposed ; he knew that two more respectable could not be found ; his only motive therefore for rising was, to ask the right honourable Secretary of State if he did not intend that the Commissioners should be disqualified to sit in Parliament ; for if he did not, the abolition of the Board of Trade would be found to have been effected to no purpose, and the reformation effected in that House to be of no use to the public, as the influence which the Crown lost by the abolition of the Board of Trade would be fully recovered by the institution of this New Board of Commissioners, if they should be permitted to sit in Parliament.

Mr. Fox. Mr. Fox, in reply to Sir Edward's question, said, that not only he would object to any proposition for disqualifying the Commissioners from seats in that House, but he was free to declare, that in his opinion such a proposition, if adopted, would have a direct tendency to defeat the very object of the bill : Parliamentary responsibility was what the Commissioners must put on ; they must answer Parliament for their conduct ; and as the constitution of that House had never yet thought proper to exclude Ministers of State from seats in Parliament, because their presence was always deemed necessary, on account of the information which they alone were competent to give on many occasions ; and also of the responsibility annexed to the truth or falsehood of such information, which might be called a species of middle situation between accusation and trial ; so he hoped, that on the present occasion, no one would think it advisable to exclude from seats in Parliament, men into whose hands the government of India was to be put ; a situation to which, perhaps, of all other, the greatest share of responsibility would, and ought to be annexed. The Board of Commissioners bore no analogy whatever with respect to ministerial influence in Parliament, to the abolished Board of Trade, for the latter were, while their places existed, removeable at pleasure ; whereas the new Commissioners would retain their situations for a certain number of years, under the authority of an act of the Legislature, and independent of the Crown, or its Ministers.

**Sir Edward
Asley.**

Sir Edward Asley was sorry that he was not able to give way to the arguments of the right honourable Secretary, who in general carried conviction to his mind ; but in the present instance they had failed to produce that effect.

Mr. Powys.

Mr. Powys said, he hoped the bill would never pass into a law ; but if, contrary to his hopes, it should, he agreed with the

the right honourable Secretary, that it were better the Commissioners should be in Parliament than out of it; but he would not say as much of the eight Assistants. With respect to the two names he had heard mentioned, so far was he from objecting to them, that he was ready to say, that if the bill could ever become palatable, or produce any good effect, it must certainly be by lodging such power in the hands of such men, who were unquestionably two of the first characters in the nation. Here the question was put on Mr. Montagu's name, and carried without a single negative.

Mr. Fox said, that the next name he had to propose was Mr. Fox. that of a member of that House, who had the merit of being extremely well acquainted with the affairs of India, from a long and diligent attendance in the Secret Committee: the character of the individual stood in need of no panegyric: he had the honour of being long in the friendship of the member in question, and not only he, but the House at large were well acquainted with his virtues. He then moved, that to the former names be added that of the right honourable George Legge, commonly called Lord Viscount Lewisham.

Mr. Arden rose not to oppose the motion that had been Mr. Arden. just made; the character of the noble Lord proposed was certainly unquestionable; but he must say that one ground on which the right honourable Secretary had thought proper to recommend him, was that on which, and which alone, it was possible to object to him: the noble Lord had been a member of the Secret Committee; this was the very reason why he ought not to be in the new commission; for it might be thought hereafter a good ground for persons to institute enquiries, the result of which might be beneficial to themselves. He really had not an idea that the noble Lord ever became a member of any such Committees with a view to personal advantage; but it was possible that others might; and the precedent, therefore, had, in his opinion, a very pernicious tendency.

Mr. Fox observed, that it was not a little singular, that Mr. Fox. the learned gentleman should object to men, merely because they were best qualified, from the circumstance that they knew more of the matters to be entrusted to their care than any other set of men: it might be an objection against a person that he was ignorant of the business in which he was to be employed; but it was really novel, that objections should

should be started against persons, because they were well versed in the affairs they were to be called on to manage.

Mr. Arden. Mr. *Arden* said, the right honourable Secretary had misunderstood the ground of his objection; it was not that this person or that was well versed in the affairs that he was to manage; but that the precedent that was going now to be established, might in future be an encouragement to men to institute enquiries that were to terminate to their own advantage.

Gen. Smith. General *Smith* said with some warmth, that there was an ungenerous insinuation conveyed by the learned member's words: the characters of individuals could never be safe, if, when acting upon fair and honourable principles for the public good, their fame was to be blasted by an insinuation, that it was to their own private interest all their labours were directed. He called upon the learned gentleman to recollect, at what period, and under what circumstances, the House had been pleased to institute enquiries into the affairs of India, under the care of the Secret and Select Committees, whom most, at least many, of those who were engaged in these enquiries, had very little favour to expect; the noble Lord indeed, whose name was then under the consideration of the Committee, might have expected much from the friendship of the then Minister, if he had been capable of having a view to his own private interest; but as to himself, for instance, (General Smith) and others, they could not have foreseen the revolutions that had since happened in the administration of the country; and therefore as it was not possible for them to have foreseen, that those persons with whom they were politically connected, would have in their hands the business of proposing a system for the government of India, it was impossible that they could have been actuated with a view to self: and consequently it was ungenerous to insinuate that their honest labours, which were directed to the public good, had nothing but self-interest for their object.

Mr. Baker. Mr. *Baker* could not help pointing out to the House the contradictions that were to be discovered in the arguments of gentlemen who opposed the bill. At one time they spoke of the system which the bill was going to establish, as of one the like of which had never entered into the head of man before; they said, that no man could ever have foreseen that so corrupt and infamous a system would ever have been thought of by any Minister, and much less proposed to Parliament for its sanction: and yet, forgetful of these assertions,

assertions, gentlemen would now insinuate that the enquiries of the Committees had been carried on with a view to this very system, which no man could have thought would ever have entered into the head of any Minister. This was too gross a contradiction; and he was sorry to find so sensible, so judicious, and so valuable a friend of his as the learned gentleman was, had so unguardedly fallen into it.

Mr. *Arden* rose again. he said, that if a member was supposed to be personal, when delivering his opinion on a great public question, there was an end of all freedom of speech. He wished not to arraign the motives of any man; but he would always support this doctrine, "that it was dangerous in its tendency to give men appointments under any system, which they themselves might have been instrumental in bringing about." Gentlemen might toil for three years, and find themselves extremely well rewarded, if, at the end of that period, they were to be placed in a situation which would render them Kings or Princes of the Eastern world.

The question was here put on Lord Lewisham's appointment, and carried *nem. con.*

Mr. *Fox* said he was now going to propose a name, which he knew would be likely to cause taunts and sneers, and renew the stale observations against the coalition; but regardless of taunts or sneers, he would declare, that from the friendship of the member in question, he had received the greatest satisfaction; he was extremely happy in that friendship; and he was sure, that qualified as the honourable member was from his attendance in one of the Committees, for the management of India affairs; from the knowledge he had acquired through that attendance, and from his other qualifications, he was sure his name would meet with no manner of opposition. He then moved, that the name of the hon. George Augustus North be added to those of the other three. There was a loud laugh on the opposition side of the House when this was mentioned; but the question was carried without a debate, and without a single negative. He next proposed Sir Gilbert Elliot, Bart. who had greatly qualified himself for the employment, by the knowledge he had acquired in attending the Secret Committee. Sir Gilbert's name passed without a debate, and without a negative. He observed, that he was now going to propose a person with whose conduct, within these few days, some gentlemen had been displeased; but for his part, he was bound to do justice to the conduct of that honourable gentleman, by declaring that it was upright and honourable.

able, and perfectly clear of reproach: he was well versed in the Company's affairs; having filled the highest employment in the Court of Directors. He then proposed the name of Sir Henry Fletcher; Bart. No debate took place on this name; but when the question was put upon it, there was heard a single no; which came from one of the present Directors of the East-India Company, who was an enemy to the bill. He said, the next name he had to propose was that of a gentleman; who had been long in India, and in the direction of the Company's affairs; a gentleman whose character was not only irreproachable, but acknowledged by every man to be conspicuous for honest zeal for the public good, and the strictest integrity: he then moved, that Robert Gregory, Esq. be added to the other six Commissioners. This motion passed also without any debate; and with a solitary no from the same member who had given a negative to Sir Henry Fletcher.

The Chairman having read all the seven names in the following order; right honourable Earl Fitzwilliam, right honourable Frederick Montagu, right honourable Lord Lewisham, honourable Colonel North, Sir Gilbert Elliot, Bart. Sir Henry Fletcher; Bart. and Robert Gregory, Esq. the Committee agreed that they should be inserted in the bill.

Mr. Fox. Mr. Fox observed that some exceptions had been taken to the word Commissioners; and therefore in order to accommodate himself to those who disliked it, he would move to have it changed throughout the bill to Directors.

Gen. Smith. General Smith blamed this condescension in the right honourable Secretary; he said, that from the weak administration and mismanagement of the Directors, the very name was become contemptible in India; and the people in that part of the world would augur but little good from the new system, if they were to be governed by persons bearing the name of Directors; they would not make a discrimination of persons, but would form an idea that all Directors were alike; he should therefore wish that the word Commissioners remain in the bill.

Mr. Fox. Mr. Fox hoped that the people of India would soon learn, to their great joy, that all Directors were not alike. The name was nothing; but as the correspondence from India had been always to Directors, he wished not to introduce a novelty; but to let matters in that respect be carried on in the usual way. This was all that was said on this subject, and the motion passed without opposition. Mr. Fox observed,

served, that doubts had arisen about the propriety of giving salaries to the seven Commissioners or Directors; for his own part, he was decidedly of opinion, that salaries ought to be given and ascertained; but he would not move any thing on that head, as he was determined to leave that business to the House. But this much he would say, that he was authorised by the seven persons in question to declare, that if no salaries were appointed, they would serve the public without any, and would not hereafter make any application to that House for a recompence for their labour.

Sir *William Dolben* was decidedly of opinion, that salaries ought to be given to the Commissioners; for it could not be expected that they should give up their time, and their ease, and some of them lucrative employments, to serve the public at their own expence: they were to be responsible for their conduct; but how could the public call upon, with any degree of decency, and bring them to an account, unless they were paid by the public? He was the more desirous that salaries, and large ones too, should be annexed to the situations of the Commissioners; for at present as the bill stood, there was no way of punishing them, but by removal; and if there was no emoluments, the removal could not be a very severe punishment. They were to have a power to punish the Assistant Commissioners on misbehaviour; but if they should misbehave themselves, there was no punishment but that of removal. As to the seven persons who had been named, he would not hesitate to commit the empire into their care, as far as integrity and disinterestedness were in question; but as they were not to live for ever, he would not expose others, who might come after, to temptations, perhaps too great for one in ten men to resist. Human nature must not be exposed to too severe attacks: the patronage of the East was immense; and at a time when there were advertisements in the public newspapers offering 1000*l.* for a writer's place, it was prudent to place men beyond the reach of such temptations. He would therefore, when the Chairman should have got to the end of the bill, move a clause for giving salaries to the Commissioners.

Mr. *Fox* said; that he believed, in point of order, that could not be done, as public money must be voted first in a Committee of Supply. And he had another reason for not wishing it to be proposed as a money bill; an occasion might be taken to throw it out by the Commons, if there should

be any alterations made in it by the Lords. No one would go farther in asserting the privileges of that House than he would; but still he could not see any reason for carrying the idea of these privileges so far as to throw out a money-bill, in which the Lords should make alterations, provided it were not in the sums voted. He was now going to propose the Assistant Directors, for whom he certainly would move for salaries; and as they were to be paid out of the Company's funds, and not with the public money, there would be no ground for rejecting the bill in the lower House, if it should undergo alterations in the upper. He had originally proposed to appoint only eight Assistants; but having since conversed with some gentlemen on the subject, it was suggested to him that it would be proper to name nine, for the convenience of Committees, that if there should be three sitting at once, there might be three members to sit on each of them. But though he intended to propose a larger salary than the present Directors receive, and to add a ninth to the eight he had originally mentioned to the House, still there would be a saving to the Company in the salaries of the Directors: at present, each receives 250l. a year, except the Chairman and Deputy Chairman, who have each 100l. a year more; but then there was a table kept for them, the expence of which amounted to about as much more; so that the Directors cost the Company about 7500l. per annum: now he proposed to allow the nine Assistant Directors 500l. a year each, without any table; which would make in all 4500l. per annum; and therefore there would be a saving here of 3000l. a year to the Company. It had been hinted by an honourable member, (Mr. Powys) that though it might be proper to suffer the seven Commissioners to sit in Parliament, still it might be as proper to exclude the Assistants, who were removeable at the will of the former. But to this opinion he could not subscribe; for in the first place, they were not to be removeable at discretion, but after a trial, and proof of delinquency; and the vacancies were not to be filled up by the Crown, but by the Court of Proprietors; and therefore ministerial influence was totally out of the question: but in order to quiet gentlemen's minds on that head, he intended, in the proper place in the bill, to move that they should not be removed, except five out of the seven Commissioners should concur in the vote for removal. This he said applied to the principle of the objection that had been stated; but

but it applied very little to the names that he should propose; as among the nine there would be found only one member of Parliament; there were persons who were actually in the direction of the Company's affairs, or had served it formerly with credit to themselves; there were certainly others who had served it well; but as he was to name only nine, he could not include them all: he made a selection, which, without any disparagement to the gentlemen omitted, would be found unexceptionable. He then moved that the names of the following gentlemen be inserted in the bill as Assistant Directors: Thomas Cheap, George Cummin, John Harrison, Richard Hall, John Mitchie, Stephen Lushington, John Smith, George Tatem, and Jacob Wilkinson, Esqrs.

The last gentleman, member for Honiton, was the only member of Parliament among them. As no one of them was to have precedency over another, Mr. Fox moved them in alphabetical order. A tedious and irregular conversation took place here, to determine whether they should be disqualified from their seats in Parliament.

Mr. *Burke* just said, that it was a new species of disqualification, never thought of before; and while gentlemen were anxious, and justly so, to guard against the influence of the Crown, they ought to take special care not to destroy one of the dearest privileges or franchises of the people, that of being eligible to a seat in Parliament. Mr. Burke.

Sir *James Lowther* replied, that though this should be a new species of disqualification, it was not to be rejected on that account; the disqualification of Contractors was a new species of disfranchisement, but it had nevertheless been adopted by the House. He declared the bill itself the worst species of disfranchisement he had ever seen; it was, in his opinion, the death warrant of this constitution. Sir James Lowther.

Mr. *Fox* would not press the House to decide upon that question then; the business might be again taken up on the report; and if he should hear good arguments for the disqualification, he would not obstinately oppose it: he would pledge himself to nothing; but he would listen to reason. Mr. Fox.

Mr. *Hussey* said, (that having such encouragement) he would, on the report, move a clause to disqualify the Assistant Directors from seats in Parliament. This having been settled, the question was put on the nine names together, and carried without any opposition. Mr. Hussey.

Mr. Samuel
Smith.

Mr. *Samuel Smith* observed, that, now the question was disposed of, he would express his astonishment that the name of Mr. Mills had been overlooked when the right honourable Secretary was making his selection; that gentleman had entered a protest in the Company's book against his brother Directors, because they refused to punish their disobedient servants in India. He refused to sign a letter from the Court of Directors to these servants, and protested against their conduct; and yet that gentleman's name was not found in a bill which was avowedly to take the affairs of the Company out of the hands of Directors, who had let the disobedience of their servants go unpunished.

Blanks in several other clauses were filled up, such as that the qualification of a Director should be 2000l. stock; that no servant of the Company should be capable of being a Director for two years from the time of his leaving India; and that the powers of the Commissioners should commence from the day on which the bill should receive the royal assent.

Mr. Fox.

Mr. *Fox* came lastly to the term for which the commission should last. For his own part, having stated two terms, the one of three, the other of five years, he was decidedly in favour of the longer: however he knew that there were opinions of very worthy men against him on that point; he would therefore rather be led than lead in this business; and before he should move any thing on the subject, he wished to consult the judgment of the House.

Sir William
Dolben.

Sir *William Dolben* said, that though he was most decidedly a friend to the bill, and though at the same time he had the highest opinion of the noblemen and gentlemen whose names had been inserted in the bill, still as powers were given to them, which nothing but the greatest necessity could warrant (and of the existence of that necessity he was clearly satisfied) he was unwilling to grant these powers for a long time; and the more so as there was no other punishment that could be inflicted on the Commissioners, than a removal from their employments: and therefore he would prefer the shorter to the longer period,

Mr. Burke.

Mr. *Burke* declared, that if it should come to a question, he would not divide against the worthy Baronet, of whose candour and the rectitude of whose intentions every member in the House was satisfied; he only rose, therefore, to assure the worthy Baronet, upon his honour, that from the knowledge he had of India affairs, and not from speculation,

tion, he was decidedly of opinion that the term of three years would be too short to carry into effect the object of the bill. The subtilty and dexterity of the Company's servants, the immensity of their riches, and the distance of the country, would throw obstacles in the way of it, which those gentlemen who had not made the subject of India affairs the study of a good part of their lives, could scarcely foresee or guard against it. He therefore begged the respectable and worthy member would not insist that the shorter period should be adopted, as the opinion of such a man must necessarily have great influence on the House.

Mr. *Dempster* was of opinion, that three years would be too short a time for the carrying into effect the provisions of the bill; and therefore for his part he would rather make the term more than five years. He wished to suggest a thought on another point; at present, removal or recall was the only punishment that the Commissioners could inflict on the disobedient servants of the Company; would it be possible to give them a power to impose fines on delinquents, without taking from the courts of law their proper jurisdiction? Appeals might still lie to them from any sentence of the Commissioners. Mr. Dempster.

Sir *William Dolben* said, that perhaps the term of three years might be too short; he would therefore agree to enlarge it to four; but he really thought that it would be improper to go a greater length. Sir William Dolben.

Mr. *Fox* readily closed with the proposal: he said, that if the bill should not have made any progress in four years towards the attainment of its object, he believed it never would; and if a progress should be proved to have been made in that time, with which the nation should have cause to be satisfied, he made no doubt but the term might be enlarged without any opposition. The blank left for the duration of the commission was filled with the words four years. Mr. Fox.

Sir *William Dolben* said, that foreseeing some difficulties in the way of the motion he intended to make for the salaries of the Commissioners, he would defer it for the present; he would not endanger the present bill by proposing any thing that might be objectionable; and, therefore, as there was another bill before the House relative to India, he would move a clause in that for granting salaries to the Commissioners. Sir William Dolben.

The *Solicitor General* said, that by certain acts of Parliament it was necessary that eighteen Directors should sign certain The Solicitor Gen.

certain papers, or transact certain business; it was necessary to introduce a clause, giving a power to a certain number of the nine Assistants to do all this business. He moved a clause therefore, by which five of the Assistants might in future sign such papers, as required formerly the signatures of eighteen Directors. The clause passed without opposition.

Mr. Hufsey. *Mr. Hufsey* moved an amendment to a clause, which directed that all orders of the Commissioners should be signed by the Secretary only, in the name of the Board. This would prevent the servants abroad from knowing by how many of the Board any measure was supported; and would of course prevent the speculations that hitherto had obtained in India, of the possibility or probability of the minority becoming, in the course of some short time, the majority.

The Committee having gone through the bill, the Chairman left the chair.

Mr. Fox. *Mr. Fox* moved that the report be then received: this, he said, would be found of no great consequence by those who opposed the bill, as he intended, after the report should have been received, that it be printed, with the amendments. His intention was to move that the report be taken into consideration on Friday, and that the bill be read a third time, and pass on Monday. The report was accordingly received, and ordered to be printed; and the House adjourned*.

December 4.

The order of the day being called for, *Mr. Williams*, the messenger, was ordered to the bar, and asked by the Speaker, what he had done with the order for *Mr. Atkinson's* appearance. To this *Mr. Williams* answered, that he went to *Mr. Atkinson's* house, and asked if *Mr. Atkinson* was at home: he was told not. He then asked for *Mrs. Atkinson*, with whom he left the order.

The Attorney General

The record and the indictment were then read to the House, when the *Attorney General* rose, and stated the whole process against *Mr. Atkinson*. This he did with brevity and distinctness. The issue of which, he said, was, that *Mr. Atkinson* had absconded from the justice of his country. In this situation it became Parliament to attend to their own dignity and importance. The member had been indicted, in his opinion, on the clearest and most unexceptionable evidence, for what the laws of this and every other country

* For a copy of the bill vide Remembrancer, vol. 17, p. 129.
held

held a very great and noxious offence. And the question would naturally be with gentlemen, how is the House to act in such a case? Every society, in his opinion, were competent to their own preservation. It was the duty of Parliament, as he conceived, for that reason, to come to an immediate discussion on a point, in which its honour and respectability were so essentially interested. He would accordingly move, that Christopher Atkinson be expelled the House.

Sir *Thomas Davenport* said, that when he moved formerly in this business, which was from motives purely public and uninterested, the friends of Mr. Atkinson begged hard to have the motion put off for ten days. This point had been given up from principles of mere humanity, though it was not only foreseen, but foretold, at the same time, that this indulgence would answer no other end in the world, but to shew the House will never be rigorous in the exercise of judgment, while the extension of mercy is compatible with its duty to the public. In the interval, however, abortive as this measure proved to the wishes of Mr. Atkinson's friends, another reason had occurred to the honourable gentleman, which satisfied him that judgment could not be too soon given in the case. The principal witness in the process had been indicted, at Mr. Atkinson's instance, for perjury; but the grand jury had thrown out the indictment. This operated strongly on his mind; and for that reason he deemed himself bound in conscience to second the motion.

Mr. *Bamber Gascoyne* said, that he hoped it never would be thought disgraceful for any member of Parliament to stand up and plead for mercy to another, in whatever circumstances he might be thrown by contingency or misfortune. He felt himself in this predicament. It could not be imagined, he trusted, by any one who knew him, that he was, or could ever become, an advocate for the misdemeanor imputed to Mr. Atkinson; but he was thus disposed from the nature of his case, from the hardship which, in his mind, attended the situation of that unfortunate gentleman, from the misery of his family, and from that clemency and humanity which so eminently became the House. These motives, he owned, had urged him to come forward. There still appeared to him the greatest probability that errors were in that indictment; and while that was the case, he did not think himself authorized to go such lengths as were proposed in the motion. Let them remember the case of Reed, the attorney

attorney and officer of the Court of King's Bench, who had been convicted of perjury, who fled the country, but who indicted the principal witness against him, convicted that witness of perjury, returned to his country again, and was restored to his offices. Mr. Gascoyne laid considerable stress upon this, and then accounted for Mr. Atkinson's having withdrawn himself so suddenly, imputing it to the terrors impressed upon him in consequence of the Attorney General's having given that notice on the first day of last term, which he had mentioned, of his insisting on the revival of a practice that had not been in use for near five and twenty years. Mr. Atkinson's, Mr. Gascoyne said, was a very hard case; and he hoped the House would not aggravate its severity, by inflicting their punishment upon him prematurely, or sooner than was actually necessary. Mr. Gascoyne shewed that it was in the power of Mr. Atkinson to move an arrest of judgment. He pointed out the difference between conviction upon an indictment at common law, and an indictment on the statute. The verdict upon the latter carried the judgment with it, and compleated the process; but a verdict upon an indictment at common law, and a judgment, were distinct things. Mr. Atkinson could have no judgment passed upon him till he appeared in Court, and had answered the question, which the Court were bound to put to him — what he had to urge why the judgment of the Court should not be given against him? In order to strengthen his appeal to the mercy of the House, Mr. Gascoyne adverted to the case of Ward, the member of that House formerly expelled. Ward, he said, had been convicted of forgery, and under circumstances of a very different nature. He also mentioned the case of Lukeup, convicted of perjury at the Old Bailey, but rescued from the fate such conviction would have carried with it, by the ingenuity of Mr. Ford, the Clerk of the Arraignment, who discovered an error on the face of the record. He applied these cases to that of Mr. Atkinson; and after shewing, that if the House expelled Mr. Atkinson then, and he might hereafter prove his innocence, by succeeding in the suit now pending in the Exchequer, or by obtaining an arrest of judgment next term, that they would commit an act of injustice beyond remedy. He said he had authority to declare, that two of the first bankers in London were ready to give bail for ten or twenty thousand pounds, or to any amount that might be required, as a security for Mr. Atkinson's appearance

pearance on the first day of next term. He pressed this very strenuously, and said, his chief motive for being so urgent was the distressed situation of Mrs. Atkinson, a lady of a good family and fortune, who was then in a condition the most deplorable and pitiable that could possibly be conceived. She dreaded, as the worst of evils, the House's coming to a vote of expulsion till her husband had an opportunity of moving an arrest of judgment, on which she relied as the means of establishing his innocence. He painted the distress and humiliating circumstances of Mrs. Atkinson's family in strong and lively terms. His heart, he said, could not help bleeding for them; and he implored gentlemen to turn their attention from the father to his harmless, his innocent and helpless offspring, whom they were about to punish with the extremest rigour, by stigmatising them in the Journals of the House. Surely whatever the iniquities of the parent might be, his children were still faultless; and what was this motion but a blot on his posterity, while this House and these Journals existed? He would not mention any other circumstances, as these, in his opinion, were sufficient to weigh with the humane and benevolent, which he hoped would always be the majority in a British Parliament.

Sir *Robert Herries* was of the same opinion with the preceding speaker. He strongly suspected Mr. Atkinson had some way not met with fair dealing in the verdict against him. He should hope at least that the evidence which were employed to substantiate the proof, had failed, and that his present situation might originate in his own timidity. He therefore persuaded himself this motion would not pass, as members could not but feel for the misfortunes of Mr. Atkinson, whom he sincerely believed innocent of the charges preferred against him.

Sir Robert
Herries.

Sir *P. J. Clarke* was at some loss what construction to put on the conduct of Mr. Atkinson's friends. Why did they not move? He should then have known how to have voted: but at present there was no question. He would therefore wish the honourable gentleman would bring what he so importunately requested before the House in some regular form. For his own part, he saw no impropriety in extending as much time, and even lenity, as possible. It suited the dignity of Parliament, and he did not doubt but Parliament, in this, as in all other cases, would religiously consult, not only its own honour, but the good of the community at large.

Sir P. J.
Clarke.

Mr. Bamber
Gascoyne.

Mr. *Bamber Gascoyne* then said, that he would certainly have laid a proposition before the House, but that he was in hopes the learned gentleman who had made the motion would, on hearing a true statement of the circumstances attending the present condition of that unhappy man and his family, have voluntarily dropped, at least for the present, any farther proceedings in the matter. As that did not happen, however, he would state a question, which was, that the present motion be adjourned till the 23d of January next.

Sir Robert
Herries.

Sir *Robert Herries* seconded the motion, and said, he had no objection to become bail for Mr. Atkinson, and hoped the House would accept of him.

The Attor-
ney Gen.

The *Attorney General* rose, and stated to the House the whole business, and commented very freely, as he went through the facts, on what he thought became Mr. Atkinson, and what not. His charge, he said, was ably drawn, and well supported. He had virtually confirmed the suspicions that settled on his conduct, by having left his country; and surely Parliament was not to harbour in its bosom those who had first flown in its face, and then evaded its authority. He did not wish to aggravate things sufficiently heinous in their own nature. But the friends of such as had thus placed themselves in the most awkward situations were often too officious; and he was afraid this would prove to be a case of that kind, for he should hope the good sense of the House would see there was not the least pretence for the adjournment. Had not Mr. Atkinson enough of time? Might he not have been on the spot during the whole of last term? And why expect him now more than then? He was therefore bound to support the motion, not only from principles of consistency, but because it could answer no other purpose than to protract a sentence which they would find ultimately indispensable.

Mr. Bamber
Gascoyne.

Mr. *Bamber Gascoyne* still wished to impress the learned gentleman and the House with the private and lasting distress this rash decision might occasion an innocent family. He urged also the expediency of admitting bail for Mr. Atkinson, which, he said, two eminent bankers in town would appear for to the House at any time, and for any amount.

Mr. Lee.

Mr. *Lee* said, he meant nothing but what he had thought unavoidable, and that humanity to individuals, as urged by the honourable gentleman, though favourable to individuals, would

would certainly be the height of cruelty to the society in general.

Mr. *Rolle* was for the adjournment, as he had always held it a good maxim in criminal law, that rather spare ten guilty, than punish one innocent person. The Treasury accounts and other papers, which he had mentioned last session, he gave intimation to the House, it was his intention, on some future day, to move for, especially as the reason on which they were then refused him could not now have any longer weight. Mr. Rolle.

A desultory conversation now took place between Sir Watkin Lewes, the Attorney General, Mr. Eyre, and others, which could not be easily gathered; and the question being put for the adjournment, the division stood thus: Against the adjournment, and for the motion, 131; Contra, 62. Majority, 69. The original motion for the expulsion was accordingly carried of course.

Mr. *Whitbread* then rose, and said, he felt for the great distress it would occasion in Mr. Atkinson's family, and that they had much reason to lament his ever having any connection with the then Comptrollers of his Majesty's Victualling Office; and as he was Chairman of the Committee, before whom the whole transactions were laid and examined into, he thought it his duty to inform the House, as he had done once before, that the present system of the Victualling-Office business required a new regulation, and was no ways difficult to be put in execution, whenever it should be properly attended to. That there was a Committee now sitting upon that business, which, he believed, would farther shew the necessity of an alteration. That he had been witness to what had passed between the Comptrollers then at the Board, and Mr. Atkinson; and from the general idea that he had of the business of the Office, in laying out upwards of three millions per annum during the late war, from the manner of purchasing goods, as well as the payment of them, an immense sum might have been saved by a better regulation, which he hoped would hereafter be adopted: in justice to the public, it ought so to be. Mr. Whitbread.

Mr. Alderman *Newnham* now rose. It was not, he said, without reluctance, he found himself compelled, in some measure, to stand forth and move the repeal of a tax brought in by the noble Lord. The task, however, was laid upon him by his constituents, and he thought it his duty to discharge their orders to the best of his ability. He would Mr. Aldm. Newnham.

not enter on the specific demerits of the tax : all orders of men had united in opposing it : it was the most oppressive and vexatious to trade and business, in all its various departments, that could be conceived. It tempted men to devise schemes of fraud and evasion ; and after all the care that could be taken of it, and all the support it could derive from the Ministry, and those who acted with them, it would still, in his opinion, be ultimately as unproductive as it always had been unpopular. On these grounds he was determined to take the sense of the House on the subject. He was not backward to say, that he thought there would be much more wisdom in giving way to the general opinion, and finding some other way of raising the money, which even though it might appear to be a greater burden, and in fact turn out to be so, he was convinced the people would receive as a boon and favour done them ; he knew no other way to reconcile this to gentlemen's ideas, or indeed to his own, than by reminding them that hardly any one who heard him, had not often voluntarily endured such labour, and engaged in such exercises, that if he had been compelled to undertake, he would have thought his situation worse than that of a galley slave. He was much inclined to hope the noble Lord would give way to the general opinion, and comply with the instructions of his constituents, which, from the multiplicity of his official business, might have escaped his attention, and therefore he would take the liberty of reading it to the noble Lord ; but as, from his high situation, he might think himself exempted from obeying them, Mr. Newnham said, he would appeal to the House in general ; and he called upon all those who really wished to be thought the representatives of the people, to speak their sense in Parliament, and support the motion he had now the honour to make.

The Alderman then moved for leave to bring in a bill to repeal so much of an act of the last session of Parliament, as lays a stamp duty on receipts.

Sir Cecil
Wray.

Sir *Cecil Wray* said, it was in obedience to his constituents that he rose to second the present motion, which he therefore did. It was a doctrine lately broached in the House, that members were altogether independent of those to whom they owed their seats, their dignity, the House, and all their immunities, as members of Parliament : but these were sentiments to which he would never subscribe. And to put the matter in the strongest possible light, suppose his constituents were

were to enjoin him to support the bill for vesting the affairs of the East-India Company in the hands of certain Commissioners, for the benefit of the Proprietors and the public, although it was, in his opinion, the most violent, arbitrary, and unprincipled bill he ever saw brought into the House, he would, notwithstanding, obey them, so far as even to vote for what was most incongruous to his own conviction. But the tax which he had now their instructions to oppose, had ever appeared to him in the most questionable and objectionable form; and he was happy in having this opportunity in giving it his hearty negative. His constituents, however, had instructed him to propose another in its room, which was, that ten shillings be annually laid on all servant maids kept for domestic use. This raised a loud laugh; but the honourable Baronet went on, and proposed likewise, that the franking letters should be utterly and entirely abolished. These taxes, he said, would both be productive and popular, and for these reasons he thought well deserved the attention and consideration of the right honourable Chancellor of the Exchequer.

Mr. *Martin* argued strenuously on the same side, and in-
 sisted that those only in business could be satisfied of the
 extreme confusion and inconvenience occasioned by this ob-
 noxious tax. He hoped the noble Lord would give it up,
 as it could not continue in force with any degree of respect
 to the wishes of the people. And he had always thought
 highly of the noble Lord and his old friends, though his
 new and late connections could never expect his approbation
 or concurrence in any thing they did. He was glad to hear
 that the tax proposed by the honourable Baronet on the
 floor, would not affect the poor. The poor ought always
 to be considered by that House, and more especially when
 they were imposing taxes. The Receipt tax, it had been
 said, did not affect the poor. This he denied, because in
 this case, as in all others, when a tax was imposed, the re-
 tail trader took care to lay it upon the articles he dealt in,
 and raise their price to the consumer; so that in fact the
 poor paid the Receipt tax, though not directly. Mr. Mar-
 tin talked of the propriety of laying taxes in such a man-
 ner as could neither directly nor indirectly affect the
 poor. They ought, he contended, always to have comfort-
 able dwellings, good warm cloathing, and a sufficient share
 of meat and drink to put in their mouths to support them
 in health and vigour. Taxes upon gambling and gluttony,
 upon

Mr. Martin.

upon titles and honours, he thought, most eligible, because they affected no persons, but those who reaped the benefit of them. For instance, why not lay a tax upon Baronets? He saw an honourable gentleman on the other side of the House, who, he was sure, would pay such a tax with great chearfulness. Mr. Martin concluded with a compliment to Lord John Cavendish at the expence of his present connections.

Mr. Powys. Mr. *Powys* said, from what gentlemen were then saying on the subject of the implicit obedience due to the instructions of their constituents, he felt it incumbent on him to declare, that he differed in opinion entirely. He was there to vote according to the best of his judgment for the good of the whole community, and not as the local interests of any description of the represented might urge them to instruct him to vote. He declared, he had likewise received instructions to support the motion for the repeal of the Receipt tax, from two of the most considerable towns in the county he had the honour to represent, the towns of Wel-
linborough and Peterborough. It was his duty to declare, that such instructions had been sent him, but at the same time he hoped no such repeal would take place. He hoped Administration would act with firmness, and that the noble Lord would persevere in carrying through the bill he had brought in to amend the tax, and render it more productive. Two hundred and fifty thousand pounds was a large sum to raise, and the Receipt tax appeared to him to pervade all pecuniary transactions equally, and consequently could not, with any truth, be deemed a partial tax. He had not an idea of a better, and therefore he desired to embark what little credit he might possess in the support of Administration, in upholding the Receipt tax. At the same time, however, he hoped his Majesty's Ministers, to whom he neither was, nor affected to be, over partial, would act fairly with the public, and not let the public money sleep in private hands. He would say no more on that head then; the noble Lord and the right honourable gentlemen on the opposite bench, would know perfectly well what he alluded to. Mr. *Powys* concluded with again exhorting Ministers not to give way to the present motion; a motion, which, he said, he hoped the noble Lord at the head of the Exchequer would, from considerations of public good, strenuously resist, though in direct opposition to the instructions of his own constituents.

Sir *P. J. Clerke* was astonished that the tax was so unpopular. He thought one reason might probably be, that it afforded no scope for speculation or profit. Many of our late taxes, he observed, had only opened a door of imposition on the public. He instanced that of wine. When the noble Lord, who was then Chancellor of the Exchequer, proposed this tax, the public were led to believe Port wine at least would be raised only one penny: but it was soon raised by those who retailed it to six-pence. The Receipt tax at least is liable to no such abuse. Indeed he had always thought it a very fair and decent tax, and therefore it should have his hearty support. He did not approve of the tax suggested by the worthy Baronet on maid servants, since sufficient burdens were laid on them already.

Sir P. J.
Clerke.

The Earl of *Surrey* said, he had always been a friend to the tax, as it appeared to him a very proper and necessary one. He wished members, who avowed so fairly the authority of their constituents in this matter, would beware of taking the instructions of a few for those of the whole. His Lordship had last year attended a meeting of this kind, and against this very tax; but surely the honourable gentleman over against him, could not conceive their opinion to be that of the whole, or a majority of the electors of Westminster. He suspected gentlemen might sometimes be imposed on in this manner. Nor was he fond of taxing maid servants for many reasons; but especially, as he always looked on the women with other views than to tax them. He therefore spoke against, and would vote against, the motion.

The Earl of
Surrey.

Mr. *Thornton* argued against the receipt tax in an ingenious manner. He did not think himself in every case at the disposal of his constituents, or that to constitute a free Parliament, the individuals of which it is composed ought first to become slaves. But he had received the instructions of his constituents to oppose this measure, and when he found the voice of the whole country on their side, he then was disposed to yield his judgment to theirs. This tax appeared, in his opinion, extremely unpopular, and he would submit it to the Chancellor of the Exchequer, whether a tax was proper, against which the public were clamorous and united. That part of traffic, in which the poor were most concerned, felt the oppression of that tax most.

Mr. Thorn-
ton.

Great dealing and great sums were competent to bear it; but such an article of expence, tacked to the petty disbursements

bursements of poor, though independent, families, were, in the aggregate of their expenditure, not a little burdensome. This had therefore determined him to vote for the motion.

Lord Galway.

Lord *Galway* made a short speech, in which he said he had received instructions to support the motion for a repeal of the tax, which he should readily obey, meaning on every occasion to pay the utmost deference to the opinion of those, who did him the honour to appoint him their representative. His Lordship added some arguments against the tax.

Sir Charles Berrow.

Sir *Charles Berrow* said, he did not consider himself as acting, when in that House, merely for the city he represented, but for the kingdom at large, and that he ought to give his vote for the general good, and not as the instructions of his constituents might direct. Sir Charles spoke so low, that we could not distinctly hear all he said; we believe, however, that he professed himself an advocate for the tax. Towards the conclusion of his speech, he said, he thought a tax on starlings would be an eligible one. He did not mean on starlings, in the literal sense of the word, but on those, who cry out without occasion, and join in an unmeaning clamour against measures not really objectionable. Sir Charles declared himself against taxing maid servants; he begged pardon, he meant female servants.

Mr. D. P. Coke.

Mr. *D. P. Coke* said, no man held the instructions of constituents, ordinarily considered, more cheap than he did. When his constituents urged him to support measures calculated for the general welfare of the State, or to oppose such as threatened its danger, there was not a member of that House, who would go farther than he would in compliance with their wishes. On the present occasion, he had received instructions to support the motion for a repeal of the Receipt tax, instructions with which he cheerfully complied, because he was persuaded the tax was extremely partial, and he desired Ministers to make it productive. Let them carry through the bill then in the House, to explain and amend the tax, or take what measures they would to enforce the payment of it, he was convinced they could not prevent its being evaded. He said, he should not have spoken that day, had it not been for what he had thrown out in the House a few days since. He had at that time declared, he had some taxes to propose in the room of the Receipt tax, which would be equally productive. He thought it incumbent on every gentleman who wished for the

the repeal of a tax in existence, when he moved such repeal to come forward with another tax capable of supplying its place. He would propose two or three. The first of them was upon a species of property hitherto untaxed, and by taxing which, none but the rich would be affected. He meant a tax on pews. In every church there were, he observed, a certain number of family pews, annexed to the houses of families in the neighbourhood; these he thought might very well pay a tax of twenty shillings a year each. There was also in each church in the country, a handsome and spacious pew, called the corporation pew, which he would propose to have taxed at twenty pounds a year. As a farther enlargement of ecclesiastical taxes, he would lay five pounds a year on each of the stalls of Prebends, ten pounds on each of the stalls of Deans, and twenty on each of the stalls of the Bishops. Deans and Prebends, he declared, were, in his opinion, the most useless order of ecclesiastics in existence; and he should be happy when the day arrived, on which they were to be abolished. Another tax he would propose, was also connected with the church. When persons died, those who regarded them, or inherited a legacy upon their death, generally put up a grave stone to their memory. He would therefore propose, that twenty shillings duty should be paid upon putting up a grave-stone in a church-yard, and forty shillings for every one put up in a church. Mr. Coke expatiated on the impropriety of burying in churches at all. He said, he had known an instance in the country where a person died of the small-pox, and was buried in the church, when fifty families would stay away from the church on that account for a month together, whereas, if the person had been laid in the church-yard, the whole parish would have walked over his grave without the smallest alarm. Mr. Coke, after mentioning these objects of taxation, reasoned upon their propriety. He said, he himself had a pew annexed to his house, and which he held up by a faculty. He saw no reason whatever, why he ought not to pay the State twenty shillings a year for holding his pew. Another object of taxation, he said, he mentioned with some diffidence, because that House had once heard of it, and rejected it. That was a tax on dogs. He thought such a tax perfectly justifiable, and he conceived it would be extremely productive. He added up the supposed produce of his several taxes, and declared, that altogether they would produce

considerably more than two hundred thousand pounds a year. Mr. Coke, after dilating sufficiently on the taxes he had suggested, recurred to the Receipt tax, which he said, ought, in his mind, to be repealed, because it appeared so generally odious and unpopular. In proof that it was so, he called the attention of Ministers to the circumstance of so many different members having been instructed by their constituents to endeavour to obtain its repeal.

Mr. Sheridan.

Mr. *Sheridan* said, he was very glad to hear it generally admitted, that when gentlemen thought fit to move the repeal of an existing tax, they ought to propose some tax in lieu of it, that in their opinion at least, was likely to prove equally productive. This was certainly right, because when that House was called upon, as it was by the motion then under consideration, it was called upon to do as strong an act as the House could possibly perform, viz. to change the security given to the public creditor, and to take away the mortgage he held in payment of the interest of his money. The Receipt tax, Mr. *Sheridan* said, was a tax that had passed almost unanimously. At least it had been approved of by the majority of that House, and declared to be a light, impartial, and wise tax. Such, he was in his own mind persuaded, it would have proved, had the tax had fair play. It had not, however, been yet truly tried. No sooner was this tax, so much liked within doors, heard of, but the utmost pains were taken to raise a clamour against it without. Committees and associations were formed for that purpose expressly. All the art and ingenuity of man were employed in finding out means of evading it. Remonstrances against it had been fabricated, and carried from house to house to procure signatures. Those who never had heard of the tax, were called upon to lend their names to the list; nay, one man, who could not write himself, had been invited to make his mark, in order to overthrow a tax, which he was told materially concerned him, as it was a check to the currency of written evidence. As soon as any probable means of evading it were hit on, they were industriously circulated throughout the kingdom, and Government having, out of lenity, forbore to prosecute for the penalties incurred by those who flew in the face of the act, a case was made out of the whole against the tax itself, and, when Parliament met, it was applied to, in order to repeal the tax. Mr. *Sheridan* reprobated such conduct, and said, he trusted that the good sense of the House would

would interpose, and prevent the repeal of a tax so treated. With regard to the taxes suggested by the honourable gentleman who spoke last, they appeared to him to be full as liable to objection as the Receipt tax: indeed, infinitely more so, because there was not any fixed criterion to judge of them by. For instance, suppose a tax was laid on dogs: in that case the keeper of a pack might immediately sell his pack, and buy a hunter with the money, and follow the pack of some other neighbour. In like manner, if a person kept dogs to guard his house, on a tax being laid, he might dispose of his dogs, and resort to some other means of security. So likewise with regard to pews, in order to evade the payment of a tax upon them, persons might no longer chuse to hold them. The tax on grave-stones indeed was not easily evaded, and could not be deemed oppressive, as it would only be once paid; but such was the spirit of clamour against any tax on receipts, that he should not wonder if it extended to them, and that it should be asserted, that persons having paid the last debt, the debt of nature, Government had resolved they should pay a Receipt tax, and have it stamped over their grave. Nay, with so extraordinary a degree of inveteracy were some Committees in the City and elsewhere actuated, that if a Receipt tax of the nature in question was enacted, he should not be greatly surprised if it were soon after published, that such Committees had unanimously resolved that they would never be buried, in order to avoid paying the tax, but had determined to lie above ground, or to have their ashes consigned to family urns, in the manner of the ancients. Having diverted the House with this idea, which he handled with equal point and pleasantry, Mr. Sheridan resorted to more serious argument, and took notice of Mr. Thornton's remarks, relative to a clerk's salary being forty pounds a year, and that it came to twopence an hour, which he pointed out as absurd. He took notice also of what had fallen from Mr. Martin, who had said, that the retail trader distributed his price of the receipt upon the several articles he sold. The strongest argument urged against the tax, Mr. Sheridan said, he had ever conceived to be, that it fell heavier upon the retail trader, than upon the wholesale dealer or merchant. If however the honourable gentleman's remark were true, this argument necessarily fell to the ground. Mr. Sheridan said, in his mind, the great recommendation of the Receipt tax was, that being paid directly, and not mediately, the public felt it, and it naturally led

them to consider the state of the nation. This was the excellence of the tax, and a right principle of taxation. If he might presume to lay down a principle of taxation as fit to be adopted in an arbitrary and in a free country, taxes should be imposed as indirectly as possible, and the giving alarm to men's feelings ought to be most studiously avoided; the reverse exactly should be the case in a free country; the taxes there ought always to be direct and open. The subject, when he paid any of them, should know that he paid a tax, and his attention should in consequence be provoked to an examination of the state of the country's debts, the weight of which being obliged to be borne by all, they necessarily concerned all in an equal degree.

Lord Ma-
hon.

Lord *Mahon* rose, and said, he should vote for the repeal of this odious, troublesome, and oppressive tax upon receipts. The arguments against the tax, which he was going to use, were, in his opinion, conclusive against it, and perfectly unanswerable. Either these stamped receipts would be generally used, or they would not. In his opinion, he said, they would not. Persons might legally continue to pay money before witnesses, notwithstanding the other law which had been brought in by the Chancellor of the Exchequer to enforce this new tax. That new-proposed law did not attempt to oblige persons to take or give any receipts at all; nor did it prevent the producing parole evidence in any court of law or equity, to prove the payment of money; therefore there would be the easiest and most evident means of evading this absurd law: he consequently believed that there would not be used by the public that prodigious number of stamped receipts that Ministers seemed to imagine; the tax then would be unproductive: but suppose that these stamps be generally made use of, what would be the necessary consequence? It would evidently, he said, be this:—The stamp on those receipts, being extremely easy to counterfeit, a low mechanic being capable of making four or five thousand pounds a year by such practices; and such practices being liable to be pursued, without the smallest danger to those who shall (for importation) counterfeit those stamps abroad, these stamps will be counterfeited to a prodigious, great, and alarming extent. If, for instance, the number of counterfeit receipts that would be used, should be (to speak within compass) twice as great as the number of receipts issued from the Stamp Office in the same given period of time, the consequence would be, that for every
thousand

thousand pounds produced to Government by this tax, two thousand pounds would be gained by those who were concerned in these attempts to defraud the revenue. The Jews of Holland, and the engravers of France, would make more by these stamped receipts, than the Exchequer of this country. This consideration alone, said his Lordship, ought to be fatal to this tax, and to every tax whatever that might be liable to a similar objection. Let it be remembered, that there is nothing so easy as to counterfeit these stamps, and to do it in such a manner as not to be capable of detection. Let gentlemen also consider, that the greatest and most rapid fortunes may be made by this practice; and that a small box, which, if imported into this country, would contain stamped receipts that would sell for several hundred pounds, and would, if seized, (or if thrown overboard into the sea to prevent its being seized) be of no loss to the importer worth his attention, because it would be nothing but a box of paper; therefore this is a trade in which there may be the greatest gain, but no loss. The profit, which will be immense, will be reduced to a perfect certainty. But this is not all. Such a profit to smugglers, as will arise from this practice, will operate as a premium to them in the smuggling of other commodities. It will compensate their other losses; it will make up for their other risk; it will be an addition to their other gains. Scarce a cargo of smuggled brandy, wine, or tea, would be imported, without some of these forged stamps, either to be sold by the smugglers, or to be given away by them to those persons who should be wishing to buy their smuggled goods. If this should thus encourage and increase the practice of smuggling to the extent, that there is reason to fear it will, it is likely that this foolish and ill-conceived tax may cause a greater loss to the revenue, by the encouragement to smuggling, than the amount of the tax itself; and this tax would, in that case, decrease the revenue upon the whole, instead of increasing it. Would the Chancellor of the Exchequer, as a man of honour, assure the House that this would not be the effect at last? The noble Lord would not venture to give such an assurance to the House. It was truly a wise tax, that the Minister who has proposed it, cannot declare would not, by its consequences, finally decrease the revenue! Lord Mahon added, that he expected no answer, because his objections were unanswerable. He supposed he might be tauntingly told by the right honourable Secretary of State, (as he

he had been told by him in a former session of Parliament) “that the person who wished to increase the revenue by the taking off of taxes, was a fit person to object to taxes, because they might tend to decrease it.” If, instead of argument, such flippant nonsense were thrown out in that debate, he said he should only treat it with contempt. Lord Mahon also made some observations on the arguments used by Mr. Fox in support of this tax in the last session of Parliament, and reproached the right honourable Secretary with having said that he (Mr. Fox) liked the tax the better because it was universally unpopular. This was a reason, Lord Mahon said, to dislike, not to like, the tax; and that this reason for the Receipt tax, as given by Mr. Fox, was an indecent reason to be alledged for its support by any man, particularly by the pretended friend of the people.

Mr. Macdonald,

Mr. *Macdonald* said, that he had, from the time that the Receipt tax was proposed, thought that it was more flattering than solid. The question now was, whether it would not be more prudent to abandon the tax entirely, and substitute another in its place, than to amend it in the manner proposed by the noble Lord's bill. He denied that he thought it was incumbent on every one, who thought the first way most adviseable, to propose a new one, every gentleman not being sufficiently qualified for such propositions, as he felt himself not to be, nor were they placed in high and lucrative situations for that purpose. His great objection was, that it was highly probable it could not be made productive; for, first, it was a ready-money tax; and, secondly, it was optional. As to ready-money taxes, it was certain, from experience, that they always created an aversion in the people's minds, who would complain of a farthing in that shape, when they would pay a shilling wrapped up in something else. This was remarkably seen in the instance of turnpikes, which, though calculated for the ease of the poor, by making the rich pay for the roads, which before were made by the labour of the poor alone, yet were opposed so violently as to require dragooning and penal laws of the last severity, together with shutting up every circuitous passage. This must have arisen from the mere circumstance of its being a payment immediately out of pocket. But when, besides this, a tax was optional, there was to him but little hope that the amendment proposed would have any other effect, than that of making people more careful to see their account was scratched out. This tax differed, he observed, from

from every other stamp duty in this respect ; that in all former cases, the instrument stamped constituted your title or security. In the present case, any other security against a second demand was open : as the law stood at present, no man was obliged to give a receipt, as had been determined, not long ago, in a case which he stated. Unless, therefore, it was intended to oblige all persons to give and take receipts, and the same act must oblige them to read and write, this ready-money, optional tax, would be either evaded in many ways he had heard of, or not complied with. That a tax of this nature, upon buying and selling had been tried at Naples, as he remembered to have read in a book quoted lately by a right honourable Secretary. The people there petitioned to assess themselves, in their several districts, rather than conform to it. He observed, that it had been found highly inconvenient to trade, in delaying payments, and putting the trader out of the way to which he had been accustomed. As to the observation, that abandoning it would alarm the public creditor, to whom it was pledged, he conceived that no man would be alarmed at getting a productive for an unproductive security. He professed very great doubts of what was stated as a recommendation of the tax, that the poor were not affected by it, admitting it to be true as to the mere payment of the two-pence or four-pence ; but when it was considered that this tax was imposed at the outset of the circulation of every commodity, and likewise on every change of hand, that no tax was advanced without interest taken, or a profit whipped in, the accumulation would be considerable. He instanced in the case of beer, for example, that every receipt taken on every ingredient, in its passage from the grower to the consumer, must be paid by those who drank it. It was plain, therefore, that the same quantity, of the same quality, could not be had for the same price. He stated also, that small shops, with which the poor deal, contained a vast variety of articles, and many receipts taken from the various larger dealers from whom they filled their shops, as many perhaps in point of number, as a much more opulent wholesale trader. All these must be repaid to him. These observations, he said, he had met with from persons who knew the detail of them ; being satisfied that this tax, under all its circumstances, could not be made sufficiently productive, although all persons acting for others must undoubtedly pay it. He
should

should vote for immediately substituting another in its place.

Ld. North.

Lord *North* said, he would not detain the House long from the question, as the subject of debate lay in a narrow compass. The receipt tax was now admitted pretty generally not to be oppressive, nor to be unjust, but it was said, it was troublesome, and it was unproductive. Unproductive it certainly had proved; but the causes which had rendered it unproductive, were well known, and the noble Lord at the head of the Exchequer had brought in a bill to remove those causes. Why then would gentlemen wish to repeal a tax under such circumstances? With regard to its being troublesome, it had been declared, that it was universally evaded. The trouble, therefore, that it had hitherto occasioned, could not be very great. The tax, gentlemen well knew, was a new tax; the bill of last year was consequently an experiment. All experiments were uncertain, and it was the nature of a new tax to fail at first. The experience of a few months had discovered, to what the failure of the Receipt tax had been owing, and means had been resorted to, to prevent its failure in future. But it was said, the Receipt tax was an optional, ready-money tax, and therefore incapable of being made productive. What were all the taxes that had been suggested that day? A tax on dogs, on pews, on grave-stones, all optional, all ready-money taxes. The learned gentleman, who spoke last, his Lordship observed, had mentioned the institution of turnpikes, and the clamour it had first occasioned. It was very true; but the instance was not a happy one for the learned gentleman's argument, because turnpikes, when properly understood, had been universally acquiesced in, and they were at this time deemed as great a benefit to the kingdom as ever was devised. His Lordship answered Lord Mahon's remarks, that the stamps would be forged, and reminded the noble Lord, that forging stamps, or uttering them knowing them to be forged, was by that act deemed a capital felony; no man therefore would, in all probability, expose himself to the punishment of death, where the profit, compared to the risque, was so insignificant. His Lordship added several other arguments to prove, that the Receipt tax promised well. It had, he said, set off most prosperously. The Commissioners of the Stamp Office found it likely to answer greatly, but when it was publicly stated, that

that a doubt had arisen as to the meaning of the law itself, its progress was stopped altogether: a circumstance, that, when the bill then before the House passed, would not continue to be the case.

Lord *Sheffield* said, he had the honour of representing a very populous city, that the inhabitants never had concurred so unanimously on any occasion as in their directions to him to promote the repeal of the tax in question. That when the tax was first mentioned in Parliament, they had communicated their objections to him, that he told them, they did not seem to him well founded, and that he had voted for the tax; that his constituents had now had an opportunity of experience, that they found it vexatious, unequal, and prejudicial to trade, and he very cheerfully gave up his opinion to them, but he by no means subscribed to the doctrine of implicit obedience to instructions; if he did, he must next confess that the city of Coventry might as well send up Peeping Tom with instructions in his pocket, as him. That as to the tax being vexatious it was obvious; and that it would fall heavily on the middling tradesmen who made and received many payments. The arguments which occurred against the bill had already been mentioned by the gentleman who had spoke before him; one however seemed to be omitted, and that was, the effect the tax would have in preventing frequent payments, consequently it would be a check to circulation, the pernicious consequence of which to trade must be extremely mischievous. He concluded by saying, that if these strong objections did not exist, he should however think it his duty to attend to the general dislike and detestation of the tax, especially as the attempt was not to get rid of taxation, but to change a tax, and he could not believe that the stock of taxes which the Chancellor of the Exchequer had in store was so scanty, that he could not spare one in exchange.

Lord *John Cavendish* said, he certainly had received a considerable number of propositions for taxes, but whether they were in a state fit to be proposed to that House, he could not say. The receipt tax, however, he had strong hopes, when the bill for explaining it had passed, would prove productive. Before the law opinions, that had been published in the summer appeared, his Lordship said, its produce was such, as greatly exceeded all the expectations, that had been entertained of what it would produce; to abandon it, therefore, now, would, he thought, be extremely weak and unwise. He wished the House to act with firmness.

ness. Though the war was ended, our situation required heavy burdens. It would be better to pay the necessary taxes cheerfully, than to continue to pay such a load of interest for the public debt. By meeting the difficulty of the day, we might alleviate, and shorten the continuance of our difficulties. With regard to instructions from constituents, he certainly had received some from York; but he knew there had been a meeting since, held in that city, of the most respectable traders, who had been industriously excluded from the former meeting, and they had come to resolutions respecting the Receipt tax, directly the reverse of those come to by a former meeting, which had sent him and his noble colleague instructions to oppose the tax. He would read the House a hand-bill now circulating through the city and county of York. His Lordship accordingly read a paper replete with arguments, founded in good sense and fair reasoning, in favour of the tax.

Sir Edward
Aftley.

Sir *Edward Aftley* said, he had not been instructed by his constituents, and therefore he was left to his own judgment. Sir Edward repeated what he had formerly said about the tax's being rather troublesome than oppressive. With regard to the suggested tax of ten shillings a head on female servants, he said, Wat Tyler's fate lived in his memory too strongly, to induce him to support a tax that might be attended with equally bad consequences. He thought a tax on dogs might be so modified as to be made productive.

Mr. Aldm.
Sawbridge.

Mr. Alderman *Sawbridge* said, he voted for the tax originally, because he really thought it to be a fair, equal, and easy tax: but his constituents and he had since conferred upon the subject; and though it was not always that they did so, in this instance they had convinced him, and converted him to their opinion. He then went into argument to prove that it fell heavier on the retail traders than on any other description of persons. He compared the case of a man laying out 500l. on an estate, and a dealer trading upon a capital of 500l. and challenged any gentleman to prove, that where the former paid the tax once, the latter did not pay it several times. He urged the House not to keep a galling and disagreeable burden on the shoulders of the public, after they had avowed their dislike to it, and their willingness to bear any other burden in its stead. He said, that let the tax be ever so much amended and improved, Ministers would ultimately find that they must repeal it. He advised them therefore to do it now, when it could be done with a much better grace than it possibly could at any future period.

Sir

Sir *W. Lewis* said, it was with a good deal of concern he observed there was a determination to persevere in a tax which was so generally obnoxious and unpopular, and which would be found, notwithstanding the bill brought in for amendment, to be unproductive.

Sir *Richard Hill* said, that when the tax was first proposed to the House, he neither voted for it nor against it; for though he never liked it, yet he did not wish to clog the wheels of Government when it could be avoided: but as the tax had now been tried, he was satisfied that it was a troublesome, vexatious tax, though he would not call it an oppressive one; and if we considered how much was lost to the revenue by the protraction and delay of business, whilst people were waiting for stamped receipts, and how necessarily this delay must affect trade, he doubted whether it would be productive. The money arising from the receipts would indeed be brought to account; but what was lost by the impediments thrown by this tax into the way of traffic, were not at all considered. Upon these grounds he should give his vote against it.

With regard to two taxes which had been proposed by an honourable gentleman, instead of this on receipts, he should only observe, that he thought a tax on maid servants should never be wished but by those who thought we had not a sufficient number of prostitutes in the streets: and with regard to the tax proposed on pews, he must just remark, that it would give the public but a very bad idea of the completion of that honourable House, that they had rejected a tax on play houses, and had adopted one on churches.

The Hon. Mr. *Frazer* said, he begged to be heard a word or two as an uninterested representative, and therefore, from all the arguments used, an independent one. In the country he represented, stamped receipts were in current use, though the people were not opulent; but he considered the nation in a situation, that we were now come to that pass, that in order to encourage, on the one hand, our manufactures, by importing raw materials cheap, and to effectually prevent smuggling on the other, our customs must be lowered, and our taxes, on domestic expenditure, raised. Therefore, as a fair tax on expenditure, and a legal method of making it productive, the present motion had his hearty concurrence.

Sir *George Howard* said, he had received instructions from his constituents to oppose the bill, and he did assure the House, not from any partial meeting, or a small number of them, but from at least four-fifths of those he represented.

Sir George declared he should always hold the instructions of his constituents in great deference and respect ; he should therefore vote for the motion.

Mr. Gilbert and Sir John Jervis both spoke, and we believe in favour of the motion ; but the House was so impatient for the question, that we could not hear their arguments distinctly.

At length the House divided — Ayes, 47 ; Noes, 149.

December 5.

The order of the day, for going into a Committee of Supply, being moved,

Ld. North.

Lord North observed, that before he could bring in his bill relative to the postage of letters between Great Britain and Ireland, some part of his proposition must pass through the Committee of Supply ; and therefore he moved that it be an instruction to the said Committee to take into consideration the propriety of laying a small duty on the postage of votes of the House, newspapers, &c. to Ireland. The motion passed ; and the House having gone into the Committee, the proposition was acceded to without opposition, and the House was immediately resumed.

The order of the day, for resuming the consideration of the report from the Committee of the whole House on the India Commissioners' bill, was moved for, and the question carried without opposition. When the clerk, in reading the bill, had got to the clause which contained the names of the nine Assistant Directors,

Mr. Fox.

Mr. Fox interrupted him : he said he understood that an honourable member intended to move a clause, by which the nine Assistant Directors should be rendered ineligible to seats in that House ; for his part, he could by no means approve the principle on which such a clause could be founded : however, if the honourable member was determined not to give his idea entirely, he would, in order to shew that he was not looking for parliamentary influence, propose a compromise, which he hoped would satisfy the honourable member ; he would consent to a prospective disqualification, provided it should not extend to the only Director under the new bill, who has a seat in that House : if the honourable member would accede to this proposal, he would certainly not oppose his clause ; but he was authorised by Mr. Wilkinson to say, that he would not accept the office of Director, if by so doing he was to be deprived of his seat : it would therefore

be

be necessary, if the honourable member should persevere in his intention, to move for the insertion of some other name in the bill, in the room of Mr. Wilkinson's.

Mr. *Dempster* was of opinion that the proposal of the right Mr. Dempster. honourable Secretary was perfectly fair, and as it entirely met his mind, he wished the honourable member would accede to it.

Sir *William Dolben* thought that at least two of the Assis- Sir William Dolben. tant Directors ought to be in Parliament, in order that when occasion should require it, they might give such information as might be useful: there was a good deal of difference between a Director standing at the bar, and that of a Director sitting in the House; the former would take up much more time, and be much less satisfactory, than the latter.

Mr. *Hussey* said, that having maturely considered the pro- Mr. Hussey. posal made to him by the right honourable Secretary, he was sorry he could not bring himself to think it ought to be adopted; but satisfied as he was of the propriety, nay of the necessity, of disqualifying the Directors from seats in that House, that he could not consent to recede from the resolution he had formed to move a disqualifying clause. It had been said on a former day, that it would rob Englishmen of the most honourable franchise they were possessed of, that of serving this country in Parliament: to this he would say, that a few were to lose that franchise for the benefit of the many, that the constitution, under which all franchises are enjoyed, might not be brought into danger. He then moved for leave to bring up his clause.

General *Smith* seeing that the Secretary of State was wil- Gen. Smith. ling to give to a clause, which was so well supported on the other side of the House, he had no hopes that his opposition to it would be successful: but still he would oppose what he conceived to be an attack upon the franchises of the nation, which had not even the plea of necessity to support it. The Assistant Directors were independent of the Crown and its Ministers, because they could not be removed but for a fault; and if the principal Directors were to dismiss them without a sufficient cause, the Chief Justice of the King's Bench would restore them; therefore, being independent, they were not under the influence of Ministers. Where then was the necessity of disqualifying them from seats in Parliament? If it was to guard against influence, he would say there was no influence; and therefore the clause would be unnecessary. He concluded by observing, that he thought it highly indecent and

and improper to propose to vote away, in so thin a House, the highest franchise of Englishmen.

Leave was given, however, to bring up the clause ; and the clerk having read it,

Mr. Wil-
kinson.

Mr. *Wilkinson* said, he had never given a vote in that House under any improper influence, and he hoped he never should : emolument of office was not near so dear to him as the franchise of being eligible to sit in that House ; and as he was resolved to renounce the former sooner than give up the latter, he begged that that House would consent that his name should be struck out of the bill, as he was resolved not to vacate his seat, and surrender a franchise that he held so dear.

The clause was read a second time according to custom, and passed without a division. According to the orders of the House, Mr. *Wilkinson's* name cannot be taken out till after the third reading.

Mr. Solici-
tor General.

Mr. *Solicitor General* moved for leave to bring up a clause, by which the Proprietors of the East-India Company were to be restrained from meeting oftner than once every quarter of a year, to consider of their affairs.

Ld. Mahon.

Lord *Mahon* very violently opposed the motion, he wondered how the right honourable Solicitor could think of restraining men from meeting to talk of their affairs, after having so often insisted that to meet and consider of their affairs was the birth-right of Englishmen. He could wish to see how the clause was worded, that he might find in what curious terms was conceived a principle so diametrically opposite to all former principles.

Mr. Fox.

Mr. *Fox* humourously observed, that if the noble Lord really wished to hear how the clause was worded, he took the most preposterous method in the world by opposing the motion for bringing up the clause. The fact was this, though the clause should pass, the Proprietors might assemble as often as they should think proper, and deliberate about their affairs, but they could sit as a general court of Proprietors only four times a year. As a court, they would still have power at those quarterly meetings to come to resolutions, and if they had cause to complain of the management of their affairs, they would be at liberty to carry their complaints to the throne, and to both Houses of Parliament : but as their power, as paramount to that of the Court of Directors, would be taken away by the bill, and as the government of the territorial possessions was taken out of their hands, he thought a quarterly meeting, for commercial

commercial purposes, was as much as would be necessary, or consistent with the powers to be given to the new Commissioners. As the law now stands, nine Proprietors might call for a general court, and if the Directors refused to summon one, these nine might do it themselves. This power would of course, as it ought, under the new Government, be taken away.

The clause was brought up and read, upon which

Lord *Mahon* rose a second time: he said he was fully convinced that a clause to restrain the meetings of the Company was totally unnecessary, as by virtue of the very first clause in the bill, all the buildings and houses belonging to the Company in Leadenhall-street, were to be seized by the New Commissioners. Where then could they meet? Was there the smallest necessity for any other restraining clause? Ld. Mahon.

Lord *North* said, that a person might well imagine, from the observations of the noble Lord, that he wished the Proprietors might never be permitted to meet, or surely he would not speak against the clause, or call it unnecessary. The noble Lord looked upon it as a restraining clause; but in this he was mistaken; by virtue of that clause to which the noble Lord had alluded, all the powers of the Proprietors were suspended, and consequently, without this clause, they could not meet at all. It was therefore a clause for giving, not for taking away a right for the Proprietors to meet in general court. Ld. North.

The clause was agreed to, as were a number of others proposed by the Solicitor General prescribing the oaths that should be taken by the Commissioners.

Mr. *Fox* then moved that the report, with the amendments, be printed, and that the bill be read a third time on Monday next. This was ordered without any debate. Mr. Fox.

Lord *Mahon* then moved for a new writ for Haydon, in the room of Mr. Atkinson; he said, it was surprising that the right honourable Secretary had not moved for this writ; it was more peculiarly his duty, and he ought not to have left the moving it to another. Ld. Mahon.

Mr. *Fox* replied, that he did not know it was the duty of any particular member to move for writs; but if it had been his duty, he had not been guilty of a very great breach of it, as it was only last night the expulsion had taken place. The writ was ordered; and the House adjourned at six o'clock. Mr. Fox.

December

December 8.

The order of the day being called for the third reading of the bill, for vesting the affairs of the East-India Company in the hands of certain Commissioners, for the benefit of the Proprietors and the public.

Ld. Mahon. Lord *Mahon* rose and said he had a petition to present against that infamous bill. His Lordship insisted on having a right to express his contempt of a measure, which he regarded with the deepest aversion, by what epithets he pleased. If the bill had passed, he should, out of respect to Parliament, avoid so harsh an epithet as infamous, but he trusted it never would be enacted into a law, or assume any form which merited from him the least veneration or respect. For the last time he should have it in his power, it was his duty and his pride to reprobate the whole proceedings in this matter in the severest terms. It marked the conduct of the Minister in very striking colours. The right honourable gentleman, whose child this monstrous, and he hoped abortive, production was, had in a former debate spoke of himself, as a General, under whom the less danger was to be dreaded, that were the right honourable Secretary inclined to encroach on those sacred rights of the Constitution, in the defence of which he had spent a great many years; the various officers, who still acted with him, would certainly desert their posts; but he forgot that the left wing was commanded by the noble Lord. From this ominous junction, doubts of the consequences had certainly prevailed, and, in his opinion, this obnoxious bill was one of the first fruits of such a corrupt tree. As the bill for disfranchising the India Company was an attack upon chartered rights in general, it was not surprising that corporations should take the alarm: the petition which he held in his hand was a proof that the alarm had really gone forth. His Lordship then moved for leave to bring up a petition from the Mayor, Aldermen, &c. of Chipping-Wycomb, [at the name there was a loud laugh] The motion passed without any opposition; and the petition was brought up and read; after which, Mr. Fox moved the order of the day, which was for the third reading of the India bill. The order having been read, Mr. Fox moved that the bill be read a third time. This produced a debate, which could not be very interesting in point of argument; for the subject having been exhausted in four or five debates, which preceded this, there was little or no novelty to recommend the speeches.

Mr.

Mr. *Hamilton*, who had taken his seat only a few days ago, was the first who rose to oppose the motion. He said, ^{Mr. Hamilton.} that not having it in his power to deliver his sentiments on the bill then under consideration, at any of its former stages through the House, he rejoiced, that even at this last stage he had an opportunity of expressing his abhorrence of a measure, which he verily believed would compleatly overturn the Constitution. He hoped that this first opportunity he had of speaking his sentiments freely, and unawed by any influence, would not also be the last; but he greatly apprehended that if a bill so flagrantly adverse to every principle of the constitution, should pass into a law, that House might indeed be suffered to meet in future, but it would be only to become the speaking trumpet of a faction, and the tool of ministerial influence. The liberties of the nation he conceived to be in the utmost danger: if the bill should pass, he was convinced that it would swallow them up; the influence of the Crown would receive such an increase, that it would be enabled to break down every thing before it. The House would scarcely hesitate to believe this assertion, when they should have recollected the immensity of patronage in India, where the revenue amounted to some millions a year. The only justification that had ever been attempted of a bill which violated the chartered rights of Englishmen was, that necessity called for it; but how was that necessity demonstrated? By a false state of the East-India Company's accounts, which held them out to the world as ruined in their affairs; falsehood only could support such a measure; the falsehood did not, however, long impose upon the House; for in a very short time after the right honourable Secretary had declared the Company bankrupt for five millions, he was driven, by the force of truth, to disavow, in the face of the House, what he had with so much confidence, and with so little foundation, asserted on a former day.

Here Mr. Hamilton was interrupted by the Speaker, who announced to the House that there was a member at the bar waiting to be introduced and sworn. The swearing in of a member, according to the rules of Parliament, takes place of all debates, and suspends them while he is taking the oaths. Mr. Flood was the member who was then at the bar: he was immediately introduced, and having been sworn at the table, he took his seat.

Mr. Hamilton then proceeded; he said the bill had been brought in under the most insidious pretences, and had been

were as inapplicable to it, as it was possible to conceive: these two words were disfranchisement and confiscation. A few observations would serve to prove, that in the present instance they were misapplied. What was the franchise which the Company enjoyed under their charter? That of monopolising the trade to India. Was the bill going to take from them this franchise? Was the trade to be thrown open, and the monopoly abolished? By no means. Their franchise would exist as firmly after the passing of the bill as at present, and consequently there was not the least ground whatever for saying, that by the bill the Company would be disfranchised: so much for disfranchisement. As to confiscation, if he understood the meaning of the word, it was applicable only to a case where a person's property was taken from him, and applied to the use of another. Could the word confiscation, according to this explanation, be in any manner applied to the bill? If it could, he confessed he was not able to see how; for the Commissioners, who were to be invested with the government of India, were to manage the affairs for the benefit of the Company. Their dividend was not to be taken from them, or diminished; and the Commissioners themselves would still be controlable by the Proprietors, through the medium of Parliament. The distressed state of the Company, on which the plea of necessity was founded, could be best proved by the repeated applications to Parliament for relief. What had brought on that distress, which made relief necessary, was not a mystery to that House: mismanagement had been nearly the ruin of the Company; and hence it appeared how absolutely necessary it was that some system should be adopted, which should introduce wholesome regulations, that might at once preserve India, and retrieve the Company's affairs. He would not say they were actually in a state of bankruptcy; but this he would not hesitate to advance, that if a private merchant had done any of the many acts, which the Company, from necessity, had done, such person unquestionably might legally be made a bankrupt.

Mr. Wilkes.

Mr. *Wilkes* said — Mr. Speaker, I rise with the deepest anxiety to endeavour to prevent the farther progress of this *bill*, because, in my opinion, it destroys the ancient, established forms of all parliamentary proceedings in this House, violates the national faith, subverts every principle of justice and equity, and gives a mortal stab to this free consti-

constitution. Sir, the forms of proceeding in this House were wisely established by our ancestors, after the most mature deliberation, as a guard against surprise by any Ministers, and to give our constituents timely information of what was doing in Parliament, that the collected wisdom of the nation might be appealed to, and known, on every occasion of moment. This accounts for the slowness of our proceedings, compared with the mode of passing bills in the other House of Parliament. Their Lordships have no constituents, whom it is a duty to consult. In the progress of this *bill*, the invariable rules and orders of the House have been set aside without the least shadow of necessity, almost without the slightest pretence; and the *bill* continues to be hurried on with indecent haste. When the right honourable Secretary moved for leave to bring in a *bill* for the better regulation of the *East-India Company*, he stated the desperate condition of the *Company's* finances as the sole ground on which he stood. He represented it as a case of absolute and immediate necessity for the interposition of the Legislature. He expressly disclaimed every other motive, although he invidiously went at large into every supposed delinquency of Mr. Hastings, and almost every other servant of the *Company*, for many years. He did not, indeed, in terms assert that the *Company* were in a state of *bankruptcy*, but he declared that they owed five millions more than they were able to pay, and went into a variety of accounts, without any attempt at the smallest proof of what he advanced, or calling for a single paper, in so great a variety of matter. He pledged himself for the most scrupulous accuracy, yet, in the very moment, forgot to give the *Company* credit for an immense floating property, for all their stores, goods, and merchandises, in the warehouses at Calcutta, Bencoolen, Bombay, Fort St. George, and other factories in the East. An omission of this importance could not proceed from ignorance, where infinite pains were taken to examine into the most minute particulars; nor from carelessness, where no trace of a heedless inattention, or forgetfulness, was ever observed. It argued a total want of *good faith*, a deliberate resolution of taking the House by surprise, and it succeeded with a weary, puzzled, and embarrassed audience. Leave was given to bring in the *bill*.

Sir, I do not only complain of an omission of this magnitude on the credit side of this pretended account of the
East-

East-India Company's affairs, but likewise of the suppression of some interesting facts, which ought to have been brought forward, and placed in a full light. It appears by the printed accounts of the "General State of the Affairs of the East-India Company," published by order of the General Court, *that the arrivals have been put so much out of their ordinary course, that only thirteen ships arrived in the season 1782, and eleven in the season 1783, while forty-five are left to arrive in 1784, besides ten more, which are now abroad, and will be kept in India, so as to arrive in 1785, at the same time with most of those now under dispatch from hence.* Was it, Sir, consistent with candour or justice, to suppress facts of this moment, in a long and laboured investigation of every circumstance respecting the first commercial Company in the world? The reason, however, is glaring. The property, which these ships will bring home, cannot fail of placing the finances of the Company on as solid a foundation as the most interested Proprietor could wish, or the most avaricious and grasping Minister desire; but, alas! it is a distant day, and the moment is pressing, big with the fate of Ministers. Needy dependents grow importunate and clamorous, as being used not to *give* but to *take* credit. Present plunder is preferred to future golden dreams of all the treasures of the East; and with consummate prudence, amid all the chances and changes of this political, ministerial life. It was artful to keep back all the resources of the *Company*, and enlarge only on their present difficulties, which were brought on by the late war, and the restraints laid by Parliament on their power of extricating themselves by extending their credit in the circulation of bonds to a moderate amount. The unfairness of the whole proceeding must strike every man. A noble Lord (Lord Mahon) near me, with an honest zeal, has called the *bill* an *infamous bill*. No epithet can, in my opinion, reach the enormity of its guilt, and therefore I shall content myself with calling it a *swindling bill*, drawn and presented by the right honourable Secretary to obtain money on *false pretences*.

A lawyer (Mr. Nichols) on the floor, who spoke last, has told us, that the *Company* are actually *bankrupts*, because they have not paid their debts, nor can they at present. Is then every man, who does not, or cannot, pay every legal demand, a *bankrupt*? Has the worthy member no more delicacy for the characters of so many illustrious persons all around him? I respect the honour of the *majority* here too highly

highly to suffer them to be called *bankrupts*. Such an assertion shall not go forth to the world uncontradicted. Is the learned gentleman yet to be taught the difference between *bankruptcy* and *insolvency*? The right honourable Secretary was more cautious: he did not pronounce the *Company bankrupt*. He only endeavoured to make them out *insolvent* at present, to the amount of five millions, with little chance of a future day of payment, without his generous assistance.

The same lawyer assures us, that the present *bill* is neither a *bill of confiscation* nor *disfranchisement*. He will excuse me for stating to the House my reasons for believing it *both*. What is the idea of *confiscation*? Is it not the seizing by violence the property of one individual, and transferring it to another? It is impossible for this to take effect in a fuller and clearer manner than is directed by the *East-India bill*. I defy any lawyer to shew me an *act of confiscation* more forcibly drawn. The words of the fourth clause of this *bill* are, *The Directors of the said United Company, and all other officers and ministers, and servants thereof, are hereby enjoined, immediately upon the requisition of the said Commissioners, signified under their hands and seals, to deliver up to them, (the new Commissioners) or to such person or persons as they shall for that purpose appoint, all such lands, tenements, houses, warehouses, buildings, books, records, documents, charters, acts, instruments, papers, ships, vessels, goods, wares, and merchandises, money, securities for money, and all other effects whatsoever.* Imagination is at a loss even to guess at the most insignificant trifle, which has here escaped the harpy claws of a ravenous Coalition. One idea indeed generally precedes the word *confiscation*, and that is *guilt*. In the present instance no crime whatever has been alledged. The argument of the right honourable Secretary for the *bill*, was the actual poverty of the *Company*; the real motive we all know is the certainty of the present spoils, with future accruing wealth, and immense patronage, to enrich an *Indian heptarchy* of his creation, and, through his tame viceroys, the *Trinculo* viceroy of Asia.

In the *bill*, Sir, as drawn and presented to the House by the right honourable Secretary, there is no clause inserted of any *trust* created for the benefit of the Proprietors. In the Committee indeed the words have been added, *in trust for, and for the benefit of, the Proprietors*; but in case of the grossest abuse of trust, to whom is the appeal? To the Proprietors?

Proprietors? No, Sir, they are to have no farther concern with their own property. Is it not then *confiscated*? The appeal is to a *majority* in either House of Parliament, which the most driveling Minister could not fail to secure with a patronage of above two millions sterling given by this *bill*.

Sir, the *bill* is said not to be a *bill* of *disfranchisement*, because it does not take from the Proprietors their right to an exclusive trade, or monopoly. Was this monopoly the only *franchise* of the Proprietors? There is property in this kingdom to which a *franchise* is annexed. The *franchise* may be taken away, yet the property remain. To a freehold, for instance, is annexed a right of voting for members of Parliament. We have seen that *franchise* taken away, and yet the freehold remained untouched; but surely the freeholder loudly and justly complained of the *disfranchisement*. The case is parallel as to *East-India stock*. Persons possessed of *stock* to a certain amount, are entitled to vote for the appointment of their servants, both at home and abroad, to manage their property, in which they are always clear-sighted, to direct and superintend all their concerns, with a general power of control. This surely is a most valuable *franchise*; it was understood to be purchased with the *stock*. The purchase money was more considerable from this intrinsic value, which it was supposed to possess. This *franchise* is to be taken away by the *bill*, and yet one gentleman among us can assert, that the *East-India Proprietors* will not be *disfranchised*. God forbid the people of England should have many such defenders of their *franchises* and liberties in a House of Commons!

If the House, Sir, will attend to what has passed since the introduction of this *bill* among us, they will see, that if we mean to preserve our ancient parliamentary forms of proceeding, we cannot suffer the farther progress of such a *bill*. When leave was moved for its introduction, the right honourable Secretary, as the sole motive of his conduct, gave an alarming account of the desperate state of the finances of the *Company*. He painted in the darkest colours the state of their debts and incumbrances, which he made amount to several millions. A worthy member of this House, (Mr. Samuel Smith) a Director of the *East-India Company*, flatly contradicted the assertions of the Secretary, and pledged himself to prove the unfairness of all his calculations. The *Company* have since given to the public a very different state of their affairs. It comes au-
thenticated

thenticated by every proper authority, *Nathaniel Smith, Esq. Chairman of the East-India Company, John Annis, Auditor of Indian Accompts, and Samuel Nicholl, Accountant.* These accompts we may examine at our leisure, and scrutinise with the most minute exactness. We have a clear "statement of the debts, credits, and effects of the East-India Company," carried up to December 1, 1783. But where is the accompt of the right honourable Secretary to be found? That does not admit of such a scrutiny: that is authenticated by no signature, nor proved by any paper on our table. No two persons in this House agree to-day in the particulars of the long, laboured harangue of yesterday. There is a precision in what is thrown on paper, but then it is liable to detection, and even seems to invite an acute examination. Here then, Sir, the honour and justice of this House are deeply concerned. One member brings forwards a bold assertion of various facts, on the truth of which he asks leave to bring in a very harsh and severe bill, to use no more violent expression. Another member, more immediately concerned, having the proofs daily under his eye, denies the truth of every proposition advanced by the member who moved for the bill, and dares him to the proof at your bar. Here can be no deception. The challenge is perfectly fair. No demonstration can be superior to that drawn from figures. The challenge however is declined. No proof whatever is offered in support of the bill. The case then is at issue, and every principle of justice forbids us to proceed till the facts are ascertained, till we know whether a real necessity exists, or whether it is made the pretence to colour a deep-laid plan of ambition, wealth, and power. The forms of Parliament are first to be sacrificed, and then its independency.

This bill, Sir, appears to me to violate the national faith in a high degree, for it annihilates the *Charter of the East-India Company*, purchased of the public, and secured by the sanction of Parliament. The violation of the *American Charters*, which has been followed by the loss of our empire in the West, would have deterred any Ministers less rash, less impetuous, from this dangerous experiment of tampering with *Charters*. Not a corporation in the kingdom, not a *Charter*, not the *Great Charter* of our liberties, not a deed, not a contract, not a document, not a security, no species of property, can be safe against unprincipled men, acting thus in the plentitude and wantonness of power.

This *Charter* did not owe its birth to the foolish prepossessions, or mad prodigality, of any of the Plantagenets, Tudors, or Stuarts, in favour of their servile courtiers, or interested dependents. It was a fair purchase made of the public, an equal compact for reciprocal advantages between the nation at large and the body of the Proprietors. The purchase money has been actually received by the public, and consequently the Proprietors have a just claim to what was stipulated in their favour. I agree, Sir, that there is no *Charter* which may not be forfeited from delinquency, but the *Charters* of the *City of London*, for they are excepted by an express act of our glorious Deliverer, from the necessity of preserving the peace of the capital; but no delinquency of any kind is now made a charge against the *East-India* Directors, Proprietors, or any of their servants. The distress of their circumstances alone was alledged as warranting such a bill. I am very ready to admit that the servants of the *Company* have been guilty of the most enormous crimes in the East. Is that a reason for punishing the Directors and Proprietors in Leadenhall-street? Has the least degree of guilt been imputed to them? I wish rather to add to their powers over their own servants, and then I am satisfied that guilt of the deepest dye would speedily be followed with the most exemplary punishment. I see no objection to giving the Directors most of the powers of this bill. It would be highly politic. Let me state to the recollection of the House a recent transaction, in which the interest of the *Company* and the national honour were deeply wounded. When, after every possible delay, the authors of the late revolution at Madras, and the subsequent murder of Lord Pigot, were brought into an English court of justice, and a jury pronounced them guilty, what was the sentence? A trifling mulct, and not an hour's imprisonment. The fine, which they paid in court, was scarcely a fiftieth part of the spoils of a wicked usurpation of the supreme government, both civil and military, followed by the death of the Governor. The public were insulted, even in the hour of trial, by a vain ostentation of what the criminals were prepared to have disgorged, before the fears of their troubled consciences were quieted by a solemn mockery of justice. Such a conduct marked the partial and feeble hand of the law at home; for surely, Sir, such crimes called for severity to deter future delinquents. They may from this lenity learn with perfect safety, and

immense

immense profit, to perpetrate the trifling crimes of mutiny, rebellion, and murder.

I have no objection, I confess, to restraining the *East-India Company* to the primary object of their *Charter*, to their original views of commerce. I little relish the idea of a few merchants governing, as sovereigns, the three powerful states of Bengal, Bahar, and Orissa. It is inconsistent with political order, and the subordination of British subjects. The Jesuits were justly expelled from almost every government in the old and new world, not from a system of silly tenets, which not one in a hundred of them believed, but from their establishing the *imperium in imperio*, which no state ever suffered with impunity. I venerate the wise maxim of a commercial policy, that, while it is adding to the national wealth, forms an invincible bulwark by the strength of a powerful navy; but I detest a scandalous, heterogeneous traffic of war and trade, plunder and commerce, speculation and murder, extortion, rapine, and corruption. The national character has been lost in Indostan. Provinces and kingdoms have been bought and sold by the Asiatic Generals and Governors of the *Company*, against the strongest orders of the Directors and Proprietors, and the lives of some of the most harmless princes who ever reigned, set to sale. The mischief soon gains Europe, and we experience at home all the calamities which Rome suffered in the declension of her empire, and from the same quarter, from the East. We are ruined by the luxury and venality of our own despicable offspring, and all the vices of the East, which they propagate here too successfully, when they return to purchase protection and indemnity for their crimes. I therefore, Sir, highly approve a bill for the government of the territorial possessions and revenues of India, which ought to depend on the state; but the regulation of all commercial concerns I shall ever think ought to rest with the Proprietors and Directors. This is their province: to this they are as competent as they are inadequate to dominion and the care of empires.

Sir, I look upon this bill as the bitter fruits of the *Coalition*. After the fatal consequences of the noble Lord's attack on the *American Charters*, I cannot think he would have ventured on this direct violation of the franchises and property of a great *Company*, if he had not been in impious league with so daring a colleague. Not a man, who hears me, can believe that such a bill had ever appeared, if the

wordy war had gone on between the two Secretaries. The noble Lord indeed had made some former faint attempts, and for a good while cast a longing eye on the fair prey, but he dreaded his opponent. When he had secured a fit accomplice, the plan and share of the plunder was adjusted, and the robbing of the *East-India Company* resolved. The *Drum-vira, aure, argenio, ære, not flundo, or feriundo, but rapi-undo*, proceeded by the bill to the seizure and confiscation of all monies, securities for money, goods, wares, merchandises, &c. &c. &c. with as little scruple as in elder times any *triumvirate, or decemvirate*, ever used.

I protest, Sir, I do not feel the least personal animosity against either of the members of the *Coalition*; but I dread the monstrous, unnatural union of such incongruous, discordant particles, because they could only be brought to *coalesce* for the division of the public spoils, for the sharing of all power among themselves, to the destruction of the public liberty, and the independency of this House. I believe that the noble Lord possesses the most perfect personal integrity. His own probity is unblemished; but a lust of power, and an unlucky indolence of temper, combined to make him, through the course of the last war, connive at almost every man in every department, fleecing the public beyond the example of all former times. His own hands were clean: not so those of the whole tribe of his contractors and dependents. The noble Lord has a rich vein of pure, elegant, classical wit, the most easy manners, and unaffected good-nature, with every amiable and companionable quality. He is formed to be admired and beloved as a private nobleman. Would to Heaven I could commend his reverence for the constitution, his love of liberty, and his zeal for the preservation of those noble privileges and franchises, which are the birthright of Englishmen! With his Colleague I have acted against his Lordship for many years. I fought by his side through the whole American war, and in all the spirited struggles against the too-great power of the Crown. I have frequently been in raptures from the strains of his manly eloquence, the force of his reasoning, and the torrent of his oratory: so perfect a parliamentary debater this House has never known. I grieve when I recollect how unavailing all our tedious struggles have been, and that so large a part of the empire has been torn from us; but I am indignant when I see the noble Lord in one of the highest offices of the state, brought back to power, and caressed by the very man who undertook to *impeach him as the great criminal of the state, the corrupter of Parliament,*

the author and contriver of our ruin. He protested that he could not trust himself in the same room with him. At another time he said, he consented to pass for the most infamous man in this, or any country, if ever he made part of an Administration with the noble Lord in the blue ribband. I do not forget, Sir, attending my Sovereign the last year, by the command of the Freeholders of Middlesex, to thank his Majesty for having removed from his counsels men, under whose administration calamities, so many and so great, have befallen this kingdom, and for appointing Ministers, in whom this country had, and are willing to have, the fullest confidence. That confidence could never have been lost, but by the dereliction of every principle, and every promise. The right honourable Secretary assured us, in the first week after his accession to power, that he found every thing much worse than he could have suspected. Has he instituted the least enquiry into the causes of the dismemberment of the empire, and of the disgraces of the British fleet during so great a part of the last war, for which he has so often solemnly pledged himself? In breach of repeated public engagements, and almost daily pompous professions, he has joined the enemy of America, by which he has lost the confidence of America, which he had acquired in some degree, and might have made useful to this country.

Sir, another strong objection to this bill arises from the enormous power, in the end, to accrue to the Crown, perhaps directly by collusion with its Minister. It is, Sir, a patronage of above two millions sterling a year, of which the Company will be deprived. Wherever such a patronage falls, it cannot fail to overturn the balance of power in this well-poised constitution. All the Governor Generals, Lieutenant Governors, Counsellors, Presidents, Council of Commerce, Factors, Writers, every thing civil and military, from the General to the Subaltern, in the various establishments throughout Asia, and at home, every thing of profit in Leadenhall Street, to the very warehousemen, clerks, and porters of the house, are included. Such an influence could never be withstood. I consoled myself, Sir, under the loss of America, because as the first object of my wishes is the immortality of the liberties of my country, and I had always thought *that the influence of the Crown had increased, was increasing, and ought to be diminished*, three propositions regularly supported by one half of the Coalition, and regularly opposed by the other half, the considerable diminution of regal power by the loss of the appointment of thirteen Governors, thirteen Lieutenant Governors, Chief Justices, Attorney and Solicitor

licitor Generals, Receivers, Custom house Officers, &c. &c. with the military government of Minorca, and the two Floridas, no longer rendered the Crown an object of terror. If, however, the immense patronage of Asia is to be given to the Crown, its overgrown power must soon swallow up the two other branches of the Legislature, and the Sovereign of England will become as perfect a despot as the monarch of France, Spain, or Prussia. If it is to be seized by a Minister at the head of a proud and hateful aristocracy, both the sovereign and the people will be the slaves of a faction. One only resource will remain in the great revolution of human events, which the womb of time may bring forth, a circumstance not to be regretted, perhaps to be wished, by the real friends of humanity. It is an event possibly not very distant, that the French, Dutch, and Portuguese, as well as the English, may be entirely swept away from the countries in the East, which they have cruelly laid waste, and made the theatre of the most flagitious enormities. The peaceful natives will then be at rest, happy under the mild government of their own princes. Commerce will no longer be fettered by a monopoly, but spread its swelling sails as freely over the gulph of Bengal and the Indian seas, as on the coast of China and Japan, on the Atlantic, or the Mediterranean.

May I beg the indulgence of the House for a very few more words? We have an act to prevent officers of the Customs and Excise from voting at elections of members to serve in Parliament; a truly wise and excellent regulation, dictated by the spirit of liberty. Should this bill pass into a law, I will move the same kind of bill with respect to every man employed under the intended *East-India commission*, to diminish, in some degree, the incredible weight of influence which it will create. I will bring to the test the consistency of the great Whig families, of whose support we have heard so much from the right honourable Secretary; and I doubt not of the effectual assistance of every independent character in the House. I do not, however, despair of the total rejection of the present bill. I will only add, that if we do not strangle the monster in its birth, it will destroy the freedom both of the Parliament and people.

Mr. John
Luttrell.

Mr. *John Luttrell* supported the motion; he said he had given the utmost attention in his power to every material argument that had been used, either for or against the bill, from the time that subject was first mentioned to the House, to the moment he was then speaking, and, upon considering the whole, he was decidedly of opinion that the bill should be

he read a third time, and ought to pass in the shape it was then perfected; but he did not much wonder to see some opposition follow it to the last, because he had observed, that no sooner did the Speaker shortly state the contents of those clauses that were to vest in certain Commissioners, since named by the bill, the management of our East-India possessions, than it roused the fire of the statesman, and the envy of the politician; some gentlemen, he said, seemed instantly to lose sight of the necessity and efficacy of the measure, in the jealousy which they felt, and which they expressed, at the influence it might give the Minister, who would have the nomination of the men. This he considered as the leading star of opposition to the bill; here he had seen the shoe of party to pinch to a degree that some of its votaries were unable to bear with temper; but he did not think, either as an East-India Proprietor, or as a Member of Parliament, sent there to guard the interests of the community at large, that he ought to be led away by the private interests of any particular party in that House. He approved the bill as it was then completed, because it met his ideas, of what appeared necessary and proper for this country to do upon the occasion; and he was persuaded that it would ultimately tend to the honour of Great Britain, to the prosperity of the East-India Company, to the gain and stability of all the Proprietors: for there were not two opinions in that House, but the noble Earl proposed to preside at that Board, and the six chief Directors, would be found much more equal to the governing our territorial possessions in India, than those who heretofore had the management of them; and it was generally agreed by the House, although a few members dissented, that it would be extremely impolitic at the present moment to separate the territory from the commerce of India; if so, why then, as the Assistant Directors were all men of business and ability, it appeared to him that the whole arrangement of the bill was perfectly judicious and right, for with respect to the Directors being members of Parliament, the House would have the advantage of their presence to give information whenever it was sought for, and account for their proceedings when required to do so. As for the alarm which some gentlemen expressed, and with which they had endeavoured to affect the minds of others, that the patronage might give an undue influence to the Crown, or to the Minister, he verily believed it would not outweigh their just proportion of power in the constitutional scale, however it preponderated in the political one of those who had been Ministers, and might wish to be so again. He would

would freely confess, however unpopular it might be, that he never should think any man deserved credit for having been instrumental to reduce the power of the Crown to its present extreme, neither would he have boasted of it, as some gentlemen did, if he had concurred in the total annihilation of the Board of Trade. He said the House seemed blinded to the bad consequences of that measure, by the party violence of those times, but he feared they had been felt by almost every commercial man in this kingdom; it was a proposition which, he owned, appeared almost as strange to him, as what had been offered to the House for a preference to the bill. Some gentlemen contended that we should give up all our East-India concerns, into the hands of the native Princes, and bid them be happy; but by consenting to that, they would in the same breath declare the East-India Company bankrupt, with many of its connections. The seaman, the artificer, the manufacturer, and labourer, must all sink in one general ruin. Additional poverty and distress would pervade every part of this island. He then asked if the alternative proposed by a bill of a learned gentleman, and by himself personally, was much more acceptable? He thought not, for he desired to strip the language of the learned gentleman, and that of his friends, of the flowers of oratory and all its trophies, and see if the essence of it reduced to common sense did not amount to this: we are ready to declare that the East-India Company are incompetent and unfit to govern their territorial possessions in India; therefore we consent that you should take them away, but we desire that all the patronage, all the control, power, and management of their commerce, may be left, as heretofore, in the hands of the Directors; he said, for what, for the benefit of the Proprietors? No. For the benefit of their own political convenience? Yes. For the learned gentleman declared, and his friends declared, that they would arrest out of the hands of the Court of Proprietors all power and control over those Directors, and then the patronage, the secret influence, and the public power, given by other acts of Parliament, must all center with the Minister of the day; and whatever conduct those Directors might observe or abet, the Court of Proprietors should have no power to call them to account for.

Things appearing to him to be so, he would beg leave, of those evils offered him, to chuse the least; and as it had been adjudged constitutionally necessary to take from him the management of that property, he was sure his preference was right when he accepted the terms of the bill, because the
faith

faith and the honour of the Secretary of State that produced it, the faith and the honour of all those Ministers with whom he drew, that of the noble Earl who was to preside in the direction, and of the six other Chief Directors, were all pledged to do the best they consistently could for the benefit of the Company; and he did not doubt but the effects of the bill would be an increase of their credit, and of the value of their stock.

He had heard it said more than once in the course of the business, that in the multitude of counsellors there was wisdom; he begged leave to repeat it, and to apply the observation thus: what effect had the call of the House upon that bill? An increase in consultation of a multitude of counsellors on its merits, and he had the evidence of the last division to shew, that the more they were considered, the better they were approved; he had no doubt but they would continue to be so by all dispassionate men; for he was persuaded, that the bill promised much in the present situation of the East-India Company's affairs, and in the necessity of reform, to bring advantage to Great Britain, to the Company, and to the stockholder. As an humble representative of the former, and as making one of the latter, he thought his thanks were better due to the right hon. Secretary who had produced the bill, than either to those gentlemen who would give the property to the Indian Princes, or to the learned gentleman and his friends, who would leave them little more than the name of it. Under these circumstances, therefore, he cheerfully concurred in the bill being read a third time, and would certainly give his vote for its passing into a law.

Mr. *W. Grenville* wished the honourable gentleman who spoke last, and who had delivered himself so fluently in a general manner in support of the bill, had condescended to favour the House with a few arguments in support of what he had advanced. Mr. Grenville said, that having heard nothing like a solid and substantial reason in favour of the bill yet, he had listened to the whole of the honourable gentleman's speech with the utmost attention, but had not been able to find the appearance of argument for the bill in any part of it. Having said this, he declared, he would not go over the ground of general objection against the bill a second time, but would chiefly confine himself to a few observations upon what had fallen from different gentlemen in the course of the preceding debates, and chiefly from a right honourable gentleman, who when the principle of the bill

Mr. W.
Grenville.

had been debated last week, had spoken very much at large on the subject of India (Mr. Burke). That right honourable gentleman, among other extravagant assertions, had not contented himself with general praise of the present bill, but had termed it a confirmation of Magna Charta. This was a most extraordinary declaration, and if the right honourable gentleman could prove that it bore any the most distant analogy to Magna Charta, he must deeply lament that he had ever been sent to that House; for he certainly read his Magna Charta in a style so completely different from the language and purport of the present bill, that he could not be qualified for the representative in Parliament of any set of people whatever, if the right honourable gentleman was right and he was wrong. One great principle of Magna Charta, as he read it, was, "that no Englishman was to be spoiled of his property and privileges, or disseised of his freehold, but by the judgment of his peers, or the common law of the land." The bill then under consideration directly and avowedly violated this fundamental principle of our great charter. Mr. Grenville went on to make a variety of observations on Mr. Burke's speech of Monday se'nnight, all of which were extremely ingenious and well put. He concluded with declaring his satisfaction in having done his utmost to prevent such a bill from being carried into a law.

General
Burgoyne.

General *Burgoyne* said, he had been sixteen years ago Chairman of one of the first Committees of East-India Enquiry that ever sat. At that time, he said, the Committee found out such delinquency in India, and such necessity for a new system of Administration and call for reform, that he had considered his having been the Chairman of that Committee as the most unhappy circumstance of his life, because it was not followed up by an immediate bill; and he declared, if the bill now under consideration failed, it would add to his unhappiness. The honourable gentleman called for proofs of the necessity; let him look to the reports on the table, let him read them, and then ask if proofs almost innumerable were wanting. Those reports exhibited the face of Tartarus itself. If any man could read them, and then ask for proofs, he must have an extraordinary heart indeed. The General greatly approved Mr. Fox's bill, declaring that he did not only think it a bill well adapted to the subject, but the bill of all others that was best suited to the occasion. Let the plan, therefore, that had been proposed by the right honourable gentleman opposite to him,
(Mr.

(Mr. Pitt) whom he greatly respected, and whose abilities he admired as highly as man could possibly do, let that right honourable gentleman's plan have been matured with all his ingenuity and all his judgment, he should scarcely think it possible for it to exceed that of his right honourable friend near him, for wisdom, vigour, and probable efficacy. The General declared, as soon as he saw the bill, or rather as soon as he read the account of his right honourable friend's opening it in a newspaper, he came away directly from a country, in which he had had the honour to hold a high situation, crossed the sea, and travelled 300 miles post, in order to give it his support, which he had done by his vote before, and should do again by his vote that night. It had been said, that his honourable friend near him (Mr. Burke) had given a deep colouring to the enormities committed in India by the partial views of party, and by the power of his eloquence. But all the powers of language which he possessed, all the liveliness of fancy, and the amazing copiousness and charm of imagery, which distinguished him above every other man, were unable to heighten or come up to the reality. Here the General entered into a description of the oppressions and cruelties committed by the Europeans in Asia. All that the Gentoos held sacred, they violated without remorse, and, as if they delighted in human misery, they invented new species of torture, the inhuman lust of gain, steeling their breasts against every feeling of compassion. Here, with infinite happiness, he quoted and applied a passage from the descent of *Æneas* into Tartarus, as described in the Sixth *Eneid* of Virgil. One of the characters in those gloomy mansions, Gen. Burgoyne produced as an image and example of those Nabobs, as they are called here, who in the Company's service amass fortunes from the vitals of the natives of Indostan.

“Vendidit hic auro patriam, dominumque potentem
Imposuit: fixit leges pretio atque refixit.
Hic thalamum invasit natae, vetitosque hymenæos.
Ausu omnes immane nefas, ausoque potiti.
Non, mihi si linguæ centum sint, ora; centum,
Ferreæ vox, omnes scelerum comprehendere formas,
Omnia poenarum percurrere nomina possim.”

Fiction nor policy could not reach the horrors of those reports; and should we then be told of charters? a charter, under which such transactions can pass with impunity, is in

itself, he was going to say, a nullity—but it was much worse; it was a charter of devastation, of cruelty, of famine, and of blood. Or should we be stopped in the great work of redress by the accounts of the Company; that curious statement, confuted one day, amended the other, new modelled a third! to persuade us of the financial capacity of the Company, to drag on for a few years longer, a wretched, disgraceful, fatal existence, productive of misery and destruction to thirty millions of the human race, and a perpetual infamy to the British name!

In regard to the influence of the Crown, the General said, that upon the same principle upon which in a former year he had voted for the diminution of that influence as applicable to the corruption of that House, he now voted for the clause of the Commissioners in this bill; being clearly of opinion, with many others who had spoke, that it exchanged an occult, a clandestine, and a dangerous influence, for an open, direct, and constitutional patronage of the State, for which every Minister would be responsible with his character and his head.

The General concluded with observing the sneer which was common in talking upon the very full attendance upon this bill: there had not been much of it within the House for a plain reason, namely, that the urgent call for friends had been pretty equal on both sides, and, as he thought, without discredit to either; for if one set of gentlemen believed a great public good depended upon the support of a bill, and another that the public interest lay in its defeat, it was very natural and proper, that each should desire to bring to town every man who agreed respectively in opinion. He therefore was ready to avow those two principles, treated by some to be so laughable, attachment to his friends, and duty to his country. He avowed, that upon those motives he had traversed the sea, and three hundred miles by land, for the express purpose of giving his vote upon this occasion; and his satisfaction at this moment was greatly enhanced, at finding the measure his heart approved, had been introduced and conducted to its present stage of success, by the men he loved.

Mr. Martin.

Mr. *Martin* said, Sir, I rise chiefly for the purpose of giving a parting execration to this pernicious and unconstitutional bill, for such it appears to me in every point of view. Though some palliatives have been applied to it. Though we are not to be attended in this House by the apothecaries—and though our seven present physicians may be
men

men both of skill and integrity, yet, when they fall off, their places may be filled by doctors, of whom we may conceive a very different opinion. At the same time, Sir, I must congratulate the right honourable Secretary; on the complete and brilliant victory he is about to gain over the independence of the House of Commons. The bill once passed, men who think and act for themselves, may as well be absent from this assembly. We may, indeed, come down to settle petty regulations and matters of trifling consequence, but for any thing great or noble, we may bid adieu to it. Our country gentlemen may stay in their counties, and men of business in the capital may give close attendance to their private avocations, for "*actum est de republica.*" To speak, Sir, in more familiar language, and the language of the turf, which the right honourable Secretary understands; he has fairly jockeyed us out of our liberties. Sir, the right honourable gentleman doubts my sincerity, when I attribute his conduct to avarice, ambition, or party spirit. Ambition and party spirit I have heard him avow; and as to avarice, I must say, without meaning any personal application, that I think it perfectly consistent with the present extravagance, and often the immediate effect of it. Mr. Speaker, on such a day as this, I cannot but regret the loss of some distinguished friends to the Constitution of this country; I fear we shall miss them most essentially; and here, Sir, permit me to pay my humble tribute of praise to their most worthy characters. I mean, Sir George Savile and Sir Charles Turner: the former, Sir, I trust, may, by retreating from public business, recover his health, and in some future time benefit the country by his advice and assistance. Of the latter I shall only remark, that though some singularities in his opinion might occasion pleasantry, he had the substantial virtues of a good citizen, and a steady, intrepid assertor of public liberty. However respectably, Sir, the places of these gentlemen may be filled in this House, I shall always lament their loss as men of distinguished merit; I cannot conceive that characters, such as these, would have supported the bill now proposed to be passed. Whatever pretended necessity there may be for it, they would have strenuously opposed it. I am well aware, Mr. Speaker, that the suffrages of these gentlemen would but little have increased our humble minority; but their voices and their countenance would have contributed to add spirit to our resistance. Sir, I am free to own, that in these melancholy times, I am not so much discouraged by
the

the appearance of numbers in this House, as I am by the general depravity, fervility, and insensibility of the public at large. The character of the nation is lost, and the noble spirit of our ancestors is dwindled into meanness and corruption of every kind. The right honourable Secretary knows our condition, and most piously takes advantage of our baseness. He may say again, Sir, that I hardly believe what I say; but I will tell the right honourable gentleman, that if there is a vice I hold in peculiar detestation, it is that of duplicity and hypocrisy, and that whatever character the right honourable gentleman may have justly acquired for brilliant talents, I will venture to stake my character against his for sincerity and plain dealing. Sir, that honourable gentleman must know, that I can have no personal pique or dislike to him; but I should desert the interest of my constituents, did I not endeavour to put the public upon their guard against the danger of such a Ministry, who will be formidable to the country in proportion to his distinguished abilities. If he be really so dangerous, it may be said, from whence has such a man his strength—Sir, I will answer, with a little variation, in the words of a noble and elegant author on another occasion: “From the general corruption of the people, nursed up to full maturity, under the Administration of his noble colleague; from the venality of all orders, and all ranks of men, some of whom are so prostitute, that they set themselves no law, and prevent applications.” Sir, as to the bill itself, I have the most decided opinion of its dangerous consequences, and therefore shall give my most hearty negative to the third reading. I doubt not but the right honourable Secretary, with the private advantages of it in prospect, will have a majority to his wishes. We have lately, Sir, been much embarrassed for a new tax, to substitute in the place of one, which to many persons seems unequal, odious, and unproductive. I wish, Sir, we were to lay a heavy impost on the individuals who shall compose the majorities during the remainder of the session. After the passing the bill before us, I am persuaded the tax proposed would be abundantly productive, and that it would be very far from affecting the poor. Sir, I foresee but one good consequence that can follow this bill, I mean that it may possibly rouse the natives of the country to drive us compleatly out of it. This I really think would be a blessed effect, both for them and for ourselves. Sir, it has been said, that if we should relinquish our possessions in that part of the world, that other European States would
take

take possession of them, and that we should lose our commerce. Such an argument reminds me, Sir, of a short conversation between two gentlemen taking the air on Hounslow Heath. The one seeing at a small distance a carriage with some unarmed passengers, proposed to the other to ease them of the trouble of carrying their watches and money. The other in answer observed, that he was not much disposed to be guilty of such an action, which could not be altogether justified upon the principles of honesty. Oh! replies the first, you may make yourself perfectly easy as to the morality of the affair, for if we should let them pass quietly, they will most probably meet with others in a few minutes who will not be so scrupulous.

In short, Sir, I have not that art, which people possess in such high perfection, of persuading myself, that every thing is just which may promote some sordid, self-interested pursuit, and therefore must repeat, that as I have opposed this bill in every former stage, I shall continue steady in that opposition till it is sent to the Lords. I trust, Sir, that their Lordships will think it totally inconsistent with their justice and their dignity to pass such a bill; but if it should be otherwise, there is a hope still left for us — I mean, Sir, that his Majesty will refuse his consent to such a pernicious measure. Though, Sir, I have been reckoned, unjustly, a friend to innovation, I profess myself to be heartily attached to the spirit of the genuine constitution of this country. The power of a negative in the Crown I regard as essential to that constitution. If it ever should be abused by any future prince, this House, when properly constituted, should always hold the purse of the people, and by that means may effectually bring a sovereign to reason, who should betray the trust reposed in him. If, Sir, this prerogative is never to be exerted, why not abolish, as a ridiculous farce, the pompous parade of passing bills in the manner as now practised? — As you, Mr. Speaker, and the House were so kind to hear me in a former stage of this business with more patience than any thing I had to offer could merit, I should not have again trespassed on that patience, did I not feel that in a matter of such consequence every man, who has any value for his public character, must wish to be watched through every part of it. Sir, I would, with pleasure, have given way to the learned gentleman, (Mr. Scott) who rose at the same time with me, but having solicited your attention before, and always feeling an unpleasant agitation of spirits when I have any thing to offer to the House, I trust I shall be excused for

for deferring for a few minutes, the House being both entertained and instructed by the learned gentleman who is now going to rise.

Mr. Scott. Mr. Scott alluded to certain insinuations, that, agreeably to the common conduct of lawyers, he would not scruple to espouse any cause which he should be paid for defending, and reprobated, in the warmest terms, such unworthy imputations: he asserted the probity, sincerity, and reluctance of his nature to such practices. He apologised to the House for taking up their time, assuring them that he would not trespass on their patience, but on occasions which he should deem in the highest degree important. Such he deemed the present, and he therefore thought it his duty to deliver his sentiments upon it—the solemn sentiments of his heart and conscience. His discourse naturally divided itself into three parts. In the first part he laboured to shew that there was not any necessity for the bill: in the second, that it contained not any provisions of sufficient importance to justify so strong a step as was taken by Government; and, in the third, that the bill would increase, beyond all bounds, the influence of the Crown.

Mr. Scott was not of opinion that Parliament ought not, or could not, in any case whatever, violate a charter. The safety of the community, according to the maxim *salus populi suprema lex*; might render it the duty of Parliament to interfere in certain cases; but this was none of them. Neither did he think, that from the present interference of Government in the affairs of the East-India Company, the other chartered societies in the kingdom had any reason to conceive any apprehensions. There was an incident of nature and circumstance which established a very essential difference between the East-India Company and every other chartered society. That circumstance was their territorial property, and their imperial power. But still he contended that no necessity had been shewn for violating the charter of the Company in the present situation of affairs. The Company were not bankrupt. The measures proposed were no other than a disfranchisement of the Company, and a confiscation of their goods in the hands of seven Commissioners. Here, Mr. Scott, after a proper apology for alluding to any thing recorded in sacred writ, read some verses in different chapters of the book of Revelation, which seemed to express the intended innovations in the affairs of the English East-India Company. “And I stood upon the sand of the sea, and saw a beast rise up out of the sea, having seven heads and ten horns, and upon

upon his horns ten crowns. And they worshipped the Dragon, which gave power into the beast; and they worshipped the beast, saying, who is like unto the beast? who is able to make war with him? And there was given unto him a mouth speaking great things; and power was given unto him to continue forty and two months. — [Here, said Mr. Scott, I believe there is a mistake of six months.] — And he causeth all, both small and great, rich and poor, to receive a mark in their right hand, or in their forehead. — [Here places, pensions, and peerages, are clearly marked out.] — And he cried mightily with a strong voice, saying, Babylon the Great (plainly the East-India Company) is fallen; is fallen, and is become the habitation of devils, and the hold of every foul spirit, and the cage of every unclean bird. And the merchants of the earth shall weep and mourn over her, for no man buyeth her merchandise any more; the merchandise of gold and silver, and precious stones, and of pearls, and fine linen, and purple, and silk, and scarlet, and all manner of vessels of ivory, of most precious wood, and cinnamon, and odours, and ointments, and frankincense, and oil, and fine flour, and wheat, and beasts, and sheep, and horses, and chariots, and slaves, and souls of men. And the fruits that thy soul lusted after are departed from thee, and all things which were dainty and goodly are departed from thee, and thou shalt find them no more at all. The merchants of these things, which were made rich by her, shall stand afar off for the fear of her torment, weeping and wailing, and saying, Alas! alas! that great city, that was clothed in fine linen, in purple and scarlet, and decked with gold and precious stones, and pearls! for in one hour so great riches is come to nought. And every ship-master, and all the Company in ships, and sailors, and as many as trade by sea, stood afar off, and cried, when they saw the smoke of her burning, saying, What city is like unto this great city? And they cast dust on their heads, and cried, weeping and wailing, saying, Alas! alas! that great city, wherein were made rich all that had ships in the sea, by reason of her costliness! for in one hour is she made desolate.”

Mr. Scott observed, the violence with which Ministry attacked the rights of the Company was greater than that of general warrants, which were happily got the better of some years ago; for these alledged a cause of violence: but the bill against the Company alledged not any special act of delinquency. He said, that acts of power against law had been borne, and might be expected to be yet borne, in this coun-

try: but acts of power against law, supported by the judgments of lawyers and juries, the country never would bear. On this subject he quoted a passage from the judicious and profound Thucydides, who remarks, that injustice is more irksome to men than violence; because injustice, seeming to come from equals, provokes indignation: but violence is endured as a matter of inevitable fate or necessity. He reflected here on the conduct of the Parliament about the middle of last century, when they were anxious to get up the charters from the burghs. He also reflected on the Parliament taking the command of the militia out of the hands of the Crown, which was a prelude to a war of twenty years. It had been said, that matters had been grossly mismanaged, and that many enormities had been committed in India; but whose fault was that — the fault of the Directors, or of their servants in India? The Directors, as was confessed, had always transmitted for the direction of their servants abroad, the purest system of ethics! Why was not that system carried into execution? This was owing to the wickedness of their servants — not to any defect in the constitution of government. The accomplices in the imprisonment and misfortunes of Lord Pigot, had been brought to justice by the Proprietors before the Court of King's Bench, and so might other delinquents. But if the power of the Directors be too small, give them more. He desired that it might be considered that there was no alteration in the law, or the degree of power possessed over the servants of the Company, but only of the persons who were to inspect their conduct. The effect of this new institution of a Court of Directors was yet doubtful; even they might be found inadequate to the distant government of India. *De te fabula narratur, not even mutato nomine.* The bankruptcy of the Company was a matter which was at least doubtful, and time ought to be granted for enquiring into it. He repeated that passage in *Othello*, where Desdemona cries, Kill me not to-night, my Lord! — Let me live but one day — one hour! — This prayer was rejected, and repentance succeeded the fatal deed. It has been said, that the affairs of the East-India Company are safe, being entrusted to the care of respectable Commissioners. I like not the idea of their being responsible to men that appointed them, and the rather, that those men are themselves responsible for their conduct. The responsibility of the former will secure the latter, and place them beyond all responsibility. If it was right, continued Mr. Scott, to vest the power of nominating the Commissioners in the Crown, why not

not vest that power in the Crown *ab initio*? If it was right that it should be placed in Parliament, why not continue it? It had been observed, that the Crown had in reality enjoyed the power of directing India affairs, through the medium of the Proprietors. If so, why should not the Ministers of the Crown take a share of the blame for the misconduct of those affairs? It was a new thing, Mr. Scott observed, to see the very persons who had objected to the act of 1773, as a precedent for encroaching on the rights of chartered companies, now quoting that very act as a reason for supporting the bill under consideration. It was thus that one precedent begot another; and that the beginning of evil was as the letting out of water. The great plea for taking the power out of the hands of both the Proprietors and Directors was, that they clashed with one another. But would it be said, that when two co-operating powers interfered, there was no remedy but to destroy them both, and to establish a new one on their ruins? Such a doctrine, he presumed, would not be mentioned in the British Parliament. Mr. Scott also, in the course of his speech, quoted the speech of Brutus, who, speaking of Cæsar, says,

————— He would be crown'd —————

How that might change his nature, there's the question.

and also a passage from Thucydides.

Mr. *Anstruther* rose after Mr. Scott, and said, he did not *Mr. Anstru-* rise to introduce into the debate the personal characters or *thes.* honour of the gentlemen who supported either one side or the other of the question, which had been so much adverted to by those who had spoke before him; before, however, he entered upon the question itself, he could not help taking notice of an argument that had been much dwelt upon, and which seemed to be in some measure the foundation of the violence of the epithets, which had, in his mind, with so little reason, been bestowed upon the bill. Gentlemen had stated, that Committees ought to be instituted to enquire into the accounts of the Company, and that they had been refused permission to produce evidence of their situation. It was true it had been asserted, but even the gentlemen themselves, who had asserted it, had never thought of moving for the Committees they talked of, nor attempted to produce the evidence they said was in their possession; that even the Company itself had been heard at the bar, had offered every evidence they had to produce, and never had once attempted to say they had been precluded from bringing forward every thing

thing they had to produce; he was therefore justified in saying, that every party had been heard, that wished to be heard, and that all the evidence, which either the Company, or the gentlemen opposite, had to produce, had been received. Two schemes had been produced for the future government of India: the one, by the learned General opposite; and the other, by the right honourable Secretary. He would not at that time tire the House by going at large into the question, but would shortly state the reasons which led him to prefer the plan that was the object of the debate that day. To judge of the merit of a plan, it was necessary to know precisely the evil that was to be remedied, and to apply the remedy exactly to the disease. In his opinion, the defect lay in the government at home, in the weakness, the want of energy, and insufficiency of the Court of Directors. These mischiefs flowed from a simple cause, the error lay in the very formation of the constitution of the Company; by a strange concurrence of circumstances, a body of merchants had been changed into sovereigns, a counting-house had been converted into a council table. That was the evil; till that was remedied, all reformation was in vain. The constitution of the India Company reversed the plainest principle of government. The executive government of a large country, of a populous empire, was lodged in a popular assembly. The Proprietors were the executive governors of the Company; or if that should be denied, the Directors were in a situation little different; they carried with them all the evils of popular assemblies entrusted with executive power, uncertain in their deliberation, fluctuating in their councils, and every executive act under the direction of a large assembly, composed, in a great measure, of those very servants whom the Directors were to govern.

But this was not all; the government of India lay in the hands of a body of men not responsible for the execution of their trust. How and to whom was a Director responsible? How could he be called to account responsible to those whom he was to control? What punishment could he put upon him, he was in to-day, he was out to-morrow? And lest it should be possible to lay hold of him, by some small share of responsibility, the very Constitution had precluded the idea, it had shut the door against every means of reaching them; their votes were in secret by ballot, it was strange, but it was no less true, that in the executive government of India, it was impossible to know any man's opinion, what principles he supported, or to what measures he gave his assent.

Ballot

Ballot took away every responsibility; but these were not the only defects; the Constitution, by the rotation established in 1773, contained in it a fixed principle of change and situation; it constantly varied, and was in a state of perpetual change. How often did it happen that orders were sent to India to day, they were disregarded by the servants there, because they were sure that before the news of their disobedience arrived in England, the direction would be changed; six of their enemies would be out, and six of their friends in the direction, and then their disobedience would be attended with impunity. These were not imaginary and theoretical evils, they had produced every effect that was to be expected from a weak, fluctuating, unresponsible executive power lodged in the hands of a multitude. It was because these were the evils, that he preferred the bill before the House, to the one produced last year that went to regulation abroad; the evil he conceived lay at home; and unless the remedy was applied where the disease was, all regulation was in vain; there might be much good in the other, but he could not expect much good from it, unless it was accompanied with regulation at home.

He stated, that he should not take up much time upon the subject of violation of charters; on all hands it was admitted that these might be violated, if the violation was commensurate with the necessity, then the degree of the necessity was the only question. If he was right in pointing out where the evil lay, then nothing short of the present bill would do good. If the disease lay in the Constitution at home, the Constitution at home must be changed. But gentlemen called for proofs of the necessity; look at the government of the India Company in any possible point of view, and every thing is justified. If you look at them in a pecuniary point of view, you find them with five millions of revenue, coming to your bar three times in fifteen years, begging for loans to save them from bankruptcy. If you look upon them as politicians, you find they have broken every treaty they ever made; they have forfeited every engagement they ever entered into. If you look to their operations as sovereigns, you find them at once tearing up the title to the estates of every man in Bengal, by their orders to let the lands to the highest bidder; and yet more strange, look at them in a commercial point of view, and you find that before they got the Dewannee of Bengal, they traded on a small capital, and gained on the Bengal trade near 200,000l. per annum, that now, when the country was their own, and the revenues their own, they

they traded at an annual loss of near the same sum. With such an outline of their conduct and constitution, was it possible to contend that such a government ought to continue? Much had been said of the influence of the Crown: the difficulty he felt in arguing upon that subject, arose from the strange inconsistency in the arguments used by the opposers of the bill; one part of them were zealous and violent in asserting that this bill diminished the influence of the Crown, while the other were equally positive that the influence of the Crown was increased to an exorbitant degree by it; with arguments so contradictory, it was impossible to grapple. The only answer he should make was, that the truth probably lay between the two. The influence would not be considerably increased, but an open responsible one would be substituted for a covered and concealed one; for his part, he had no such terrors as some gentlemen had for the influence of the Crown; he had no scruple to say, that had he been in the House at the time of the vote on that subject, he should have opposed it. But that vote even could mean no more, than that the influence of the Crown was greater than was necessary for the good government of the country. If the situation of the country and the happiness of millions rendered it necessary to give influence to the Crown, in order to govern the countries that Providence had put under our authority, he for one had no objection to do it. It was absurd to say, we will allow anarchy and tyranny to remain, we will let India be in a state of desolation, and all this, because we are afraid to increase the influence of the Crown. If it is impossible to govern India consistently with the safety of this country, in God's name abandon it; but it is more wise, more manly, to say at once, we have no fears to delegate to the Crown. Every necessary influence to govern this or that country; and that, for the happiness of both, if that influence be dangerous, guard against it; but leave not millions in misery, because you are afraid to trust the Crown with the necessary powers of Government. He concluded with giving his hearty assent to the bill, as the only plan that met the evil, and promised to restore the credit of the Company, and the happiness of India.

Sir Richard
Hill.

Sir *Richard Hill* said, that having delivered his sentiments on the bill upon a former occasion, he had no intention of saying any thing more on that day; but some fresh matter having occurred, and wishing to make a motion before he sat down, he should beg the patience of the House for a short while. He was never long-winded, as the House knew.

knew. *Multum in parvo* was the maxim he wished to follow; and if unhappily he failed in that, he would be careful to avoid the *nihil in multo*. But, besides that new objections had occurred on the bill, he should feel a satisfaction that he had opposed it as long as he had an opportunity; and yet, he declared, he was more fearful of the pernicious tendency and consequences of the bill than even of the bill itself.

He was apprehensive, lest from so successful an attack upon the fortifications, the citadel itself should soon be forced to surrender upon terms not the most honourable to the nation. To be plain, he thought the bill was founded on principles of the most flagrant injustice, and that it gave a stab to the vitals of the English constitution; and when he considered who it was that gave the wound, he was ready to cry out, *Et tu Brute!* or, to change classical for scriptural ground, he could not help calling to mind the conduct of Joab to Amasa, when he took him by the beard with one hand, whilst with the other he thrust a dagger into his heart. The sacred penman added, "But Amasa was not aware of the sword in Joab's hand." Sir Richard said, that after an honourable gentleman, who had lately spoke, had produced so much scripture, he hoped he should be pardoned for having quoted a few sentences from that excellent old book called the Bible, and thought it was no bad wish to the House, that they might be better acquainted with it both in theory and practice. He wished not to bring accusations against any man; but he ventured to appeal to every member in that assembly, whether, if the bill had been brought in by any Administration whereof the right honourable Secretary of the whig department did not make a part, he would not before this time have been calling out for impeachments, axes, and halters, and whether he would not have made Westminster Hall, Covent Garden, the Shakespeare tavern, and, above all, the walls of that House, to ring and echo with the danger of that power which he himself was now about to put into the Ministers. But who was now the Minister? *Oh! tempora mutantur, &c. &c. &c.*

Sir Richard said, that for him to offer a gift to one who had the whole patronage of the East at his command, and who by this bill was made greater, not than this or that Nabob, but than all the oriental Nabobs together, would be presumption indeed; but if the right honourable Secretary would accept so small a boon as a new motto at his hands, it should be the following, *Non sum qualis eram*; for
he

he was sure that neither *faire sans dire*, nor *dire sans faire*, were at all applicable to the right honourable gentleman in the present instance, as he prevailed as well in the *loquendo* as in the *agendo*; so that in time, both Ajax and Ulysses were united. And that it might ever be said of him as it was of the divine poet, Milton,

———— “ Since Nature could no farther go,
 • “ To make a third, she join’d the other two.”

But if, as a worthy gentleman had hinted, in a former debate, the right honourable Secretary should indeed lose the name of the Man of the People, he thought the sixteen new Directors and their subs might properly assume that of the People of the Man.

He did not wish to tire the House with a second dissertation upon optics, but he could not help mentioning a circumstance which struck him a few days ago as he was walking along. Passing by a mathematical-instrument shop, he saw the picture of a distorted visage, which he could hardly make out; he thought, however, it might represent Britannia weeping. He had the curiosity to step into the shop, and examined it through another glass, when, to his surprise, he found it to be a laughing man. He thought with himself, that whilst Britannia weeps, those will laugh that win.

He did not deny but some remedy was wanting for the disorders which prevailed in our India affairs; but he thought corrections and alterations should be tried before amputation had been so suddenly determined on; and he much questioned whether prescriptions of the right honourable Galen, and his dearly beloved brother Doctor Sangrado, would be efficacious towards a cure; though he doubted not both the one and the other would pocket some good fees for their nauseous draught, which was soon expected to operate by a most violent evacuation on the whole Court of Directors. Besides, it was agreed on all hands (he spoke with submission to the faculty) that where seven physicians and nine apothecaries were called in, as a worthy member of that House had before stiled the new Directors and their subs, the death of the patient was at hand. He meant not at all to reflect on the right honourable Secretary’s *Congé d’Elire*, much less on the Directors who were nominated by virtue of that *Congé d’Elire*; on the contrary, if the bill must pass, he congratulated the House on the choice, as he knew there were among them men of integrity, men of sense, and men of business. He should, however,

however, be impatient to hear how the noble Lord at the head of the new Direction Board, would reconcile this bill with his protest against a similar one in the year 1773, as he thought, that if the noble Lord protested against that, he must foam against this.

Sir Richard then said, he must beg to take a leap back to the title of the bill, which sets forth, that it is "A bill for vesting the affairs of the East-India Company in the hands of certain Commissioners, for the benefit of the Proprietors and the Public." Let us now see, said Sir Richard, how this specious title agrees with the real fact.

The parties supposed to be benefited are, the Public and the Proprietors. But as the Court of Directors begged by their Counsel, that they might be accused; so both the Public and the Proprietors have entreated, that they might not be benefited.

Pethaps they could not form a better judgment of the benefit which the public think they are to derive from this bill, than by considering, that the city of London had actually petitioned that they might be excluded from any of these benefits. And with regard to the *vox populi*, or the public in general, we could not look without doors, without hearing the bill, and the authors of it, execrated on every side: and this, notwithstanding a tribe of hireling newspaper scribblers endeavoured to gull the world into a belief, that the bill was both popular and salutary. One Proprietor in particular, as upright, as honest, as independent a man as ever dignified a stall in St. Stephen's Chapel, and no man filled it with a better grace, was so fearful of the benefit which might accrue to his 4000l. India stock from this bill, that he addressed the House against it, with a feeling and a pathos which, Sir Richard said, he hoped would have got a dozen votes that it might not pass.

As therefore the title and the bill were at such irreconcilable variance, that there was no forming a coalition between them, (though some gentlemen might think, that as great contrarieties in nature had aforesaid coalesced) he should beg leave to move, that if the bill passed that House, it might be printed with the following amended title:

"A bill for most unjustly, violently, and forcibly wresting the affairs of the East-India Company out of the hands of the present twenty-four Directors, and for placing them in the hands of certain new Directors and their subs. Also for strengthening the influence of his Majesty's present Ministers; and for clearing the way for the total abolition of several

useless Charters, yet existing in this kingdom ; and for affording a speedy provision for several respectable friends, jobbers and adherents of his Majesty's present Ministers, which friends, jobbers, and adherents, are now labouring under the most necessitous circumstances, and very unfortunate to be relieved."

He had only to add, that if the right honourable Secretary would consent to this trifling amendment in the title of the bill, which he thought quite sufficient, to make it perfectly consistent with the principle of the bill itself, that he would not only divide with him that evening upon the question, but should feel the highest satisfaction in making one of his suite when he carried it up to the Lords Spiritual and Temporal.

Mr. Adam. Mr. *Adam* would not trouble himself to follow Sir R. Hill and Mr. Scott through all their reasonings: he was willing to content himself with noticing a few of the observations that had fallen from them. He endeavoured to demonstrate, in a long and able speech, that the bill was not universally disliked ; that it was much more than a palliative ; that it was absolutely necessary ; that the Secretary of State did not intend to govern ; and that it would be infinitely better for the Company that the direction of their affairs should be in the hands of Government. He adduced many arguments in favour of these positions. — Mr. Adam was surprised at the charge relative to the newspapers being bought off by Government : he had one night seen an anonymous handbill, stating it a fact ; but the very next morning he found a complete refutation of it in the first newspaper he took into his hands, where he found a libel on a right honourable gentleman, (Mr. Burke) whose family were falsely represented to have 25,000*l.* from Government ; and it went farther to state, that if the bill should pass, this gentleman would get a great deal more : this was calculated to insinuate that the right honourable gentleman's support of the bill arose from interested motives.

Lord Mulgrave.

Lord *Mulgrave* made several pointed observations on Mr. Fox's former professions of attachment to the liberty and interests of the people, but seemed to discover, that they had now taken their flight. He exclaimed against the undue influence the Crown was likely to acquire by the measure before them. He also seemed satisfied that the seven new Directors were not by any means equal to the important task of governing India. 'Those, he said, that were
highest

highest in power among them, were the least acquainted with the business they had undertaken. His Lordship threw out several severe reflections on Mr. Fox's conduct; he thought his great abilities were hurrying him on to enslave his country. It might be said of him, as it was of Augustus, "It had been well had he never been born, or had he never died." He looked upon the situation of this country as being extremely critical and alarming; and ventured to foretel, that from the moment that the present bill passed into a law, British independence and freedom were at an end.

Mr. Powys said, he would not take up the attention of Mr. Powys. the House, farther than to enter his protest against the measure which gentlemen were pursuing so inconsiderately, and at so great a hazard. The Ministers, he found, were nothing more than common men, and they needed to be watched closely. The present bill had fully convinced him of the expediency of such circumspection. He beheld, with sorrow, the disfranchisement of the chartered rights of his countrymen; he foresaw the anarchy and misery into which the nation was presently to be plunged:—and what alarmed and distressed him beyond all things else was, he perceived that he and many of the independent members of that House were spurned and trampled under foot. But he thought that was but a poor triumph to their adversaries. He could not submit to such treatment without expressing indignation; and he was comforted by the consideration, that those who suffered the same indignities with him, were gentlemen of the first reputation for integrity and honour. He adverted to the term which had been voted for the continuation of the power of the new Directors. To that period he had no objection; but he begged to know how the power of nomination was thereafter to belong. He held up the superior Directors as invested with more power and authority than they knew how to use, and the inferior Directors were beneath all consideration. Their authority was contemptible; it was but the shade of the departed honour of the late Directors, and in every respect so insignificant, and carrying about with it such signatures of infamy and disgrace, that no one of that description was, in his opinion, a proper person for being admitted to the honour of a parliamentary seat. Mr. Fox, he said, had deceived him exceedingly; his professions of disinterestedness and zeal for the public good,

good, had inclined him to hope for measures, that would justify his professions; but he had hoped in vain. The honourable gentleman still continued to avow the purity of his principles, and to bid his deluded countrymen trust to his sincerity; but for his part, he was not to be caught by his fair promises. It was a maxim with him to judge by measures, not by men; and by that rule he meant to try all the abettors of the present enormous bill. This bill aimed a mortal blow at the independence of the representatives of the subjects of Great Britain; they might still retain their seats, but freedom of sentiment and speech, the glory of Englishmen, and of English members of Parliament, was no more.

Mr. Fox.

Mr. Fox rose, not so much to remove the unfavourable opinions gentlemen had of his conduct as a Minister, as to wipe off the infamy and reproach they had, in the course of that debate, been pleased to cast upon his reputation as a man. He thought he had been very unhandsomely treated. It was not enough that gentlemen had allowed him no goodness, no virtue, no merit whatever; they had ascribed to him many positive defects, and had expressed their malice, for he would call it nothing but malice, with all the virulence and all the malignity which fancy could invent. There was one circumstance of crimination which he took exceedingly ill. An honourable gentleman (Mr. Powys) had charged him with a species of delinquency which touched his feelings more than any other, because the only principle from which it could flow, was a principle the most opposite of all others to those by which he was actuated. That gentleman had said, that in confidence of the great majority which Ministers had in that House, he had insulted the weaker party—in his own words, or something like his own words, triumphed over the impotence of independent members. It was, he said, a cruel insinuation; and it was as unjust as it was cruel. It supposed him guilty of a crime which he never was capable of conceiving; and it plainly declared, that all his professions of candour, of disinterestedness, and of attachment to the sacred rights of mankind, were nothing but words, delusive words, framed for some other purpose. He desired that the honourable gentleman who had spoken of him with so much freedom, might be assured that no expressions that had ever fallen from him, ever were meant so him. He did not know that ever he had said any thing personal;

personal; if ever he did, it was aimed at those important members, who are so fond of their own conceits, and who think every thing they utter should be received as a law. He was not certain that he had not some time or other spoken with that intention; but to blame the honourable gentleman, who seemed so much chagrined, would have been among the last things that would have struck him. His virtue, his patriotism, his commendable zeal, all conspired to forbid any such impeachment. The honourable Secretary here observed, that gentlemen had that night discovered uncommon warmth in the cause they were engaged in. They had been very earnest to thwart and oppose his wishes. They had also shewn skill in the mode of their attack on him: they had placed a learned and eloquent member (Mr. Scott) in front; and he had certainly acquitted himself ably. But he was not yet overthrown; he trusted to the goodness of his cause, and the support of his friends for success. A noble Lord (Lord Mulgrave) had said much on the imminent danger that had been brought upon the State, by the accession of influence which the Crown was about to receive. That noble Lord, and almost every other gentleman that had spoken, had deprecated that influence, and at the same time had beheld with astonishment the change of principles which sensibly appeared in him (Mr. Fox) in all his late proceedings; but he would easily satisfy them, if they would be satisfied, of the groundless nature of their fears in the first instance, and of their deception in the other. The influence they so much dread, he said, is not an influence that will revert to the crown; it may revert to the crown; that is not impossible; but it is more likely to return to the independent members of this House; to those very members, with grasping at whose indisputable rights I am now accused—but falsely accused. Respecting the change of my principles, I declare that I am sensible of no such change; there is none such has taken place: at this very moment I possess the same jealousies of the rights of the Parliament, and of the people; and I watch with the same circumspection that ever I did, every degree of undue patronage or influence which the Crown may acquire. When I went into office, the power of the Crown had been diminished; the different powers in the State were pretty equally poised; that was a state I wished to see
them

them in, and it is a state that they shall always continue in, if my best exertions can effect that desirable object. With regard to the bankruptcy of the State, the learned gentleman (Mr. Scott) who has said so much, has told us that the statement of another learned gentleman, who is now absent, was such and such, and that he had advanced such stubborn facts that nothing could resist them. Is it fair thus to combat one with the opinions of a man who is not here to give his reasons? But this is the way, the unfair way by which I am attacked; every gentleman on the opposite side of the House has set his terrors in array before me; but I am not to be terrified. I understand their terror; and I give it its proper appellation, it is nothing but envenomed malice. Mr. Fox observed, that his bill had been violently opposed in all its stages; but it stood on so secure a basis, and, what some gentlemen might wonder to hear him say, it was so popular, that he would not be afraid to trust its issue to the decision of the public. It had been absurdly said, that the present bills both increased and decreased the power of the Crown. In God's name, said he, what power or influence does my bill take from the Crown that it possessed before? Or what power does it add which it did not possess before? The bill takes no influence from the Crown; but it adds a good deal to Parliament; and if it be doubtful in any of its tendencies, it is parliamentary duty to select it carefully, and to try to correct its defects. The right honourable Secretary concluded with asserting the rights of the independent members; and with declaring, that to deprive them of any, should be the last action of his life.

Mr. Powys. Mr. *Powys* reminded Mr. Fox of some of his former declarations; which seemed to convey the idea of inconsistency in some of his actions.

Mr. Scott. Mr. *Scott* desired to know by what authority he was so subjected to the control of Mr. Fox, that he could not deliver his sentiments at the beginning or end of the debate, as he himself should think proper.

Mr. Erskine. Mr. *Erskine* desired to know of Mr. Scott, in what part of Mr. Fox's speech that honourable gentleman had attempted to impose any such control on him.

The Right Hon. Wm. Pitt. The right honourable *W. Pitt* made some remarks on the personal character and political connections of Mr. Fox. He said, the honourable Secretary made his powerful and generous connections responsible for all his actions. He shewed

shewed to Mr. Powys the manner in which he supposed Mr. Fox wished to treat the independent members of Parliament. He bewailed, in very lofty strains, the deviation, the very remarkable deviation, the partizans of a late noble Marquis had made from his upright principles; and he pitied a noble Lord, and some others, who had been so inconsiderate as to embark in the perilous ocean of politics, with men who were likely to corrupt them. He had a fresh touch at the coalition, and prophesied, in very positive terms, of the disastrous events which the event of that night's debate was about to precipitate on the nation.

The *Attorney General* reprehended Mr. Pitt for his personality, defended the bill strenuously, and argued it on its several grounds, necessity, influence, and expediency. He declared he was as much an enemy to the influence of the Crown as ever, and said, if the new influence, so much complained of in the present bill, had been given to the Crown, he should have been against it. He passed an eulogium on Mr. Fox; said that he did not care a rush for his office, and that Mr. Arden should have it the next day, if it were not that his holding it were necessary for the support of his right honourable friend. He urged the folly of talking of the sacredness of chartered rights, when so great an object depended on their violation, and asked what was the consideration of a charter — a skin of parchment, with a waxed seal at the corner — compared to the happiness of thirty millions of subjects, and the preservation of a mighty empire?

The Attor-
ney Gen.

Mr. *Arden* retorted on the Attorney General for his reprehension of Mr. Pitt for personality, and reminded his learned friend of his having said within those walls, within a very few months past, that the man would seal his own damnation, who should give a vote for a particular question before the House at that time. Mr. Arden declared, he had given his vote, notwithstanding his learned friend's anathema, but he did not believe he had incurred the perilous predicament alluded to. Mr. Arden told his learned friend also of the strong and pointed language in which he had been used to speak of the Earl of Shelburne. After this Mr. Arden went into a recapitulation of arguments against the bill, and produced an entry of a debate, upon the institution of the militia in former times, to shew how analogous the language about the influence of the Crown, then held by the King's Solicitor, was to that now held on the

Mr. Arden

the other side of the House. The learned gentleman expatiated on the vast effect the new influence might have on Mr. Fox, to whom he was at present ready to subscribe, as a man of unmoved integrity. He quoted again the two lines cited from Shakespeare's *Julius Cæsar* by Mr. Scott, and added the fifteen following :

————— He would be crown'd —————
 How that might change his nature, there's the question.
 It is the bright day that brings forth the adder ;
 And that craves wary walking ; crown him — that —
 And then I grant we put a sting in him,
 That at his will he may do danger with.
 Th' abuse of greatness is, when it disjoins
 Remorse from Power : and, to speak truth of Cæsar,
 I have not known when his affections sway'd
 More than his reason. But 'tis a common proof,
 That lowliness is young ambition's ladder,
 Whereto the climber upwards turns his face ;
 But when he once attains the upmost round,
 He then unto the ladder turns his back !
 Looks in the clouds, scorning the base degrees
 By which he did ascend : so Cæsar may :
 Then lest he may, prevent —————

Mr. Wil-
berforce.

Mr. *Wilberforce* opposed the bill, and attacked Mr. Fox, charging him with having lost the confidence of the country by joining the noble Lord in the blue ribband. Mr. *Wilberforce* concluded his speech with a quotation from Milton ; that passage in which the fallen spirit is addressed.

Mr. Rigby.

Mr. *Rigby* said, he had neither furnished himself with a quotation from Milton, or a quotation from Shakespeare, which he had not expected to have met with in that day's debate ; nor, what was more extraordinary, had he expected to have heard a quotation from scripture through the mouth of a lawyer ; but yet he had furnished himself with a few arguments in defence of the bill. Mr. *Rigby* then, in his usual, plain, manly, common-sense mode of reasoning, proved that the bill was every way justifiable. He said he had been on a Committee of East-India enquiry, so long ago as the year 1772 ; that at that time they saw enough to make them shudder, and that a bill of Regulation was brought in and passed the next year. He declared he was a little surprised how those, who supported that bill, could have the inconsistency to oppose this. With regard to all that had been said about chartered rights, and confis-

cations

cation of property, it might serve for the moment; but men in their sober senses must regard it as a mere bugbear, to frighten children. The charter of the Company was violated in 1773, and so it must be again, or all pretence to reform must be abandoned. Mr. Rigby declared, he had rather have wished the new influence, which he acknowledged must indispensably be created, had been given to the Crown; but he was persuaded it was safe where it was lodged, and he assigned various reasons for entertaining this sentiment.

Mr. *Jenkinson* insisted, at considerable length, on the objection of the bill's creating a new executive government within the realm independent of the Crown. He also reminded the House that the bill would commit this country for all the debts that now were, or might become due in the East.

Mr. Jen-
kinson.

Mr. *Dundas* rose to rescue his bill of the last year from the charge alledged against it, of giving Earl Cornwallis despotic power, because the Crown had, under that bill, a power of recall at its pleasure. Mr. *Dundas* said, the bill had brought him up 400 miles as well as the honourable General over the way; but he came determined to oppose it as highly unconstitutional; having said this, he went over his observations of last week again, and insisted upon it, that the appointment of a Secretary of State for the East Indies would have been more eligible.

Mr. Dun-
das.

Mr. *Sheridan* replied to the Lord Advocate, went through the principal parts of his bill of last year with him, and contended, that the despotism it cloathed Lord Cornwallis with was so plain and palpable, that he declared he wondered how the learned gentleman could keep his countenance when he seriously insisted upon it; that his bill was not equally dangerous in point of creating influence and arbitrary power, and in regard to invasion of chartered rights, with that of his right honourable friend. It was in fact, Mr. *Sheridan* said, ten times more so, and that if it had not been so late an hour of the night, he would then have proceeded to prove it was so. This serious part of his argument over, Mr. *Sheridan* came to the more pleasant part, and took up the several quotations of Mr. Wilberforce, Mr. Arden, and Mr. Scott, setting them each at their own weapons, and citing, with the most happy ease and ~~passion~~ passages from almost the same pages that controverted their quotation, and told strongly for the bill.

Mr. Sheri-
dan.

He quoted three more verses from the Revelations, by which he metamorphosed the beast with seven heads, with crowns on them, into seven angels, clothed in pure and white linnen. One side of the House were extremely entertained with the turns Mr. Sheridan gave what he quoted.

Sir George Howard.

Sir George Howard said, he should vote against the bill; but declared, as he was a man of honour, from no other motive, than from not being able to reconcile himself to the principle of the bill.

Sir Cecil Wray.

Sir Cecil Wray observed, that he had been many years in Parliament, and had seen many bad measures, yet that all these together had not impressed his mind with the horror that the present measure did; he therefore thought he could not answer to his constituents, and the public, if he did not make his full and open protest against a measure the most despotic to the chartered rights of the Company, and subversive of the constitution, by such an inundation of corrupt influence as it must necessarily produce.

Much, he said, had been mentioned of deserters from party, probably he was ranked amongst those deserters; he had indeed left the party, and gloried in having done so, but it was because the party had deserted from its principles.

He observed, that he had often fought under their banner, in defence of the chartered rights of the people, by their arguments he had opposed the violation of the Boston charter. He had also in 1773, done the same in the attack on the India Company, and thought it hard that he should be called on by those very men to give his assent to the present bill, founded on exactly the same principles, as that to which, on their arguments, he had given his dissent.

Have I in this (says he) deserted my party, or has the party deserted its principles?

He then instanced the influence he had been called on to state; this had been done by voting Contractors out of the House, by annihilating the Board of Trade, Board of Green Cloth, and other places which the bills of reform (dubious enough) had so ostentatiously effected; but here he was called on to re-establish a Board of Trade: to let in a host of Contractors of the worst kind, because the contracts they should make were not cognizable by Parliament, and at the same time to give to each a patronage to bid on for the contract.

the Minister, that all future efforts to stem the arbitrary acts of power in Parliament would be quite impracticable, and the attempt ridiculous. Have I in this (says he) deserted my party, or has the party deserted its principles?

He had had hopes that the bill would be stopped in the other House, when he saw it brought in by one, and to be executed by another, whose protests, on a former occasion, had been so pointed against its principles; one hope he had left, his Majesty, from his paternal care of his people's liberties and properties, might still effect it; one prerogative of the Crown still remained indisputable—its negative. This he sincerely hoped, and would join with any persons in beseeching. I will conclude, (says he) with the words of an author, when arguments are decisive on the other side of the House, "The existence of the King's negative, an undisputed prerogative, which extends to all cases whatsoever, may be the means of preserving the Constitution itself, on an occasion worthy of bringing it forth." This, Sir, is that occasion, the liberties and properties of the people. The existence of the Constitution demand it. But should his Majesty give his assent, so much shall I think the ruin to be compleat, that though I shall ever think it my duty to obey the instructions of my constituents, yet, when left to myself, I shall sometimes come down to debate a turnpike bill, but shall scarcely take the trouble to give any farther ineffectual opposition, till the people, aroused from their present lethargy, shall find it necessary to apply a decisive remedy.

The House growing extremely clamorous, and calling for the question so vociferously, that Sir Wakin Lewes, who was upon his legs, could scarcely be heard; Mr. Alderman Townshend rose, and spoke to order. He called upon the Speaker to enforce regularity, and declared, if he had not authority enough to keep the assembly in order, so that every member might be heard, that House would be a mob, and not a Parliament.

The Speaker rose to desire the House would be orderly, and declared, that if gentlemen imagined, by creating a confusion and clamouring for the question, they would shorten the debate, his long experience in Parliament, and his acquaintance with the effect such endeavours generally produced, enabled him to assure them, that they took the most unlikely way in the world to attain their end.

Sir Watkin
Lewes.

Sir Watkin Lewes was then heard for a few moments distinctly, but the cry for the question becoming again prevalent, Mr. Alderman Townshend once more rose up to insist on order. He said, the question was one of the most important to the State that ever came under their cognizance, and that the mode of endeavouring to smother it was worthy of the measure, but that the purpose of the other side the House should not be answered that way, for he would sit there till that day fortnight, sooner than submit to such an attempt to defeat discussion. He added, that several very respectable gentlemen wished to offer their opinions upon the bill, and they ought to be heard.

Sir Watkin Lewes then proceeded to state his objections to the bill, and declared that his constituents, in common hall assembled, had instructed him to oppose it. He should therefore not discharge his duty to them, if he did not give his negative to the motion for reading it a third time.

Mr. Ald.
Townshend.

Mr. Alderman Townshend himself opposed it very strenuously. He contended, that since the bill came into the House, the grounds of it had been shifted repeatedly. That one day it was the bankruptcy of the East-India Company, another day it was their temporary distress, another day again it was something else, and thus the ground was taken and abandoned, changed and changed again; now here, now there; at one time in sight, at another behind the hedge, till at last it was not to be traced any where. It was said, that the East-India Company owed Government money, and therefore their charter was to be seized on; was that a sufficient plea? Had not Government abundantly more than the value of the debt under lock and key? Would not a pawnbroker lend the money the Company owed and wanted, on the same or a worse security? Who was it prayed for the interference of Parliament, the Proprietors of East-India Stock? No. They desired no aid on such conditions.—Was it the creditors of the Company? No. They had much rather leave their security in the hands of the Company. Upon these questions he built several arguments against the bill, and ridiculed the idea of breaking through a charter so wantonly, declaring, that if the present bill passed, he should not wonder to see a proposition brought forward next year to put the Crown in Commission, for a commission of that sort would not be more unconstitutional than the other. The Alderman was extremely severe on the Attorney

Attorney General for having talked lightly about charters, and said, that a piece of parchment was not to be regarded, as a matter the more sacred, merely because it had a large seal hanging to it, in cases where State necessity required that it should be abrogated. Such language, he said, from a law officer of the Crown was to the last degree alarming. To what source of security were they to look, if charters solemnly granted and ratified were to be thus treated, and by his Majesty's Attorney General. He also took notice of the Lords' protests, declaring that the superior House of Parliament had recorded their opinion of all such bills as the present.

He was called to order for using the word superior, and informed from the chair, that it was extremely disorderly for any member of that House to state either of the three branches of the Legislature as superior to the others. Upon this he resumed his argument, and said, he only meant to speak his opinion of the privileges enjoyed by the other House, of recording their sentiments upon any measure to posterity, and declared, that calling the protests of the Lords on the bill of 1773, political libels, was in his mind a very indecent presumption.

Mr. Alderman *Sawbridge* said, he had given two votes in support of the bill, because he in his conscience approved of the measure; he had since been instructed by his constituents to oppose it, and as he always thought it his duty to obey their instructions, he should do it in this instance, and vote in a manner different from that in which he had before voted. As his constituents however had not at the same time furnished him with any arguments against the bill, or thrown any new lights upon it, so as to induce him to alter his opinion of it, he should say nothing in its favour. A silent vote, therefore, was all that could be expected of him, and that he should, in obedience to the instructions of his constituents, certainly give against it being read a third time.

Mr. Ald.
Sawbridge.

The cry of question! question! was now again extremely loud, when Sir *Robert Herries* rose and begged to be heard, as he wished to state a few reasons for the vote he meant to give. Sir Robert said, his reasons were three fold. First, he would state them as a Proprietor of India stock, and what was more unfortunate for him, as an old Proprietor. Next, as a merchant; and, last of all, as a politician, for every man in this country was, and had

had a right to be, a politician. Sir Robert then stated, that he had bought India stock in 1772, and appealed to the noble Lord in the blue ribband, whether he had not at that time been particularly engaged in the concerns of the Company. From this, he proceeded to complain of the ill constituted administration of the Company's affairs, as it had stood hitherto, and was going much at large into that consideration, when the House again loudly expressing their impatience for the question, Sir Robert said, though he had not near done, he would sit down to gratify their desire to end the debate.

Sir Robert
Smyth.

Sir Robert Smyth rose, and obtained the attention of the House, upon his declaring that he would take up but a few moments of their time. Sir Robert then went into a statement of his reasons for disapproving of the bill. Among others, he declared, that the destroying the charter of the East-India Company, and abolishing the Court of Directors, upon the alledged delinquency of some of the Company's servants abroad, struck him to be full as preposterous a measure, as if that House, instead of a late expulsion of one of their members, had proceeded to disfranchise the borough of Heydon, on account of the criminal conduct of its representative. Sir Robert added a variety of arguments to justify his opposition to the bill; but finding the impatience of the House for the question to increase, he closed his speech, with some emphatical expressions of the consequences of the bill, and of the disgrace it would entail on the right honourable Secretary who introduced it, and on that House for having blindly adopted it.

Mr. Flood.

The Speaker was again proceeding to put the question, and the gallery was actually cleared of strangers, when Mr. Flood rose, and in compliment to him as a new member, and as a speaker of great expectation, profound silence prevailed directly, and he was listened to for a considerable time with the utmost attention. Mr. Flood began with apologizing for venturing, totally unacquainted as he was with the subject of Indian concerns, not having read the Reports on the table, and knowing no more of their contents than he had heard at a distance, to deliver any opinion upon a bill so important as that under consideration. He thought it, however, an indispensable act of parliamentary duty to say something upon the occasion, and when he did so, he begged the House to give him

him credit for speaking his sentiments impartially. He was connected with no party, and equally unacquainted with Administration or opposition, though he entertained the most profound respect and veneration for many gentlemen on both sides of the House, whose characters were justly entitled to his esteem, as they had long since obtained the esteem of the public. He declared, he had anxiously desired to be present before a measure of such magnitude had entirely passed that House, and when he assured the Speaker that he had been in the Irish House of Commons in Dublin on Wednesday last, he trusted, that it would be admitted, that he had been as expeditious as possible, in order by that time to reach the House in which he had the honour to stand. After more introductory matter, Mr. Flood went into a series of general remarks on the bill under consideration. He said, it could not be expected, after his acknowledged want of acquaintance with the subject, that he should enter into the particulars of the system proposed by the bill for the future government of India. He thought, however, that a measure of such serious importance ought not on any account to be precipitated, for fear, that instead of proving an adequate recovery, it should tend to increase the grievance it was professed to be intended to cure. He urged the novelty of the plan, the great and extensive operation of it, and the violent effect it would necessarily produce, in support of this assertion. Chartered rights ought undoubtedly to be held sacred, and never to be meddled with but on the most urgent and pressing necessity. By what he had learnt in the course of the day, the confusion in the East-India Company's affairs began with the interposition of Parliament. The bill of 1773 was intended as a regulation of the Company, and that bill appeared to have been the cause of much disorder and distress. Ought not the House therefore, having before its eyes the evils occasioned by having once interposed, to take warning and avoid the still greater evils that might follow their interposing again? Charters, he repeated it, ought to be held sacred; they might be regulated, but they ought not to be demolished. It was a rule with him to treat public bodies with respect, and especially great Companies, who had abundant merit, and had done their country several essential services. It had, however, been said, that necessity justified the demolition

lition of the Company's charter in the present instance. That necessity nevertheless yet remained to be proved. The exercise of power ought always to be governed by discretion, by what the lawyers called a sound discretion. It was neither decent nor wise to proceed to disfranchise the East-India Company, and to assume the direction and government of their territorial acquisitions with precipitation. He had always been accustomed to hear a great character of Mr. Hastings, and to consider him as a man of a good heart, a sound understanding, and as a man not addicted to rapacity. A plan therefore that went to dispossess Mr. Hastings of the Governor Generalship of India, did not come recommended to him in the strongest manner. The bill seemed also to be questionable on other grounds. It was to continue for four years. Did the right honourable Secretary intend to make the system permanent, or was it to last no longer than the four years? Before a new system was adopted, and that such as was declared by many persons not to be constitutional, the House ought to be pretty certain that it would answer the end proposed. Could the right honourable Secretary say, that at four years end it would have done any good? If he could not, he had better not try the experiment, notwithstanding the large majority at his back. Having put this question strongly, Mr. Flood touched upon several parts of the bill. He said, it struck him, as either conveying a great additional influence to the Crown, or lodging influence in hands where it would be more dangerous, in proportion as it was more unconstitutional. With regard to the sixteen Directors, who were to manage the Company's affairs in future, he made no scruple to say, he had every possible good opinion of their integrity, and the other parts of their character; but were they attentive of business, men conversant in the affairs of India, and likely to conduct the concerns of the Company in a better manner than the Directors had done hitherto? The nine Assistant Directors had all been, he understood, formerly employed in the business of the Company, and two of the seven Directors had been in that capacity likewise, but the other five had not. This, therefore, did not appear to him as a presage of the business of the Company being likely to be better carried on in future than it had been

been. And why take the management of their affairs out of the Company's hands? Property was universally admitted to be the best ground of legislation. Hence the Company were entitled to legislate their own concerns, because they would undoubtedly legislate them the best. The Commissioners, authorised by the bill, he compared to the Roman Decemviri, and shewed how fatal the establishment of those Decemviri had proved to Rome. He expatiated on the danger of so far weakening the prerogative or the influence of the Crown, as to fit up an aristocracy sufficiently powerful to keep the Crown in subjection. He said, he feared the Board of Seven was to be like the Board of Admiralty or the Board of Treasury, or the Board of Trade, where one man was to have all the power, and the rest of the Directors to be but cyphers. He observed, that by the bill, three of the Directors were to be a quorum; a circumstance which tended to confirm him in the suspicion he had just hinted at. Thus three would govern the majority of four. After a variety of remarks, delivered with great correctness of phrase, but in a more deliberate and sententious way than is much the custom of our parliamentary speakers, Mr. Flood concluded with more apologies for having presumed to say so much, and declaring, that under all the circumstances of the case, he could not think of voting for the third reading of the bill.

Mr. Courtenay said, he was affected beyond measure, when the honourable gentleman rose up to speak, as he had often admired the astonishing effects of his rapid and impetuous eloquence. Like Felix, when Paul preached, he trembled, and was apprehensive the honourable gentleman would have persuaded him to give his vote in opposition to the bill, notwithstanding his determination to the contrary. But his terrors soon subsided, when the honourable gentleman candidly declared he knew nothing of the important subject of debate; and indeed he proved the sincerity of his professions by the very jet of his argument. The honourable gentleman owned that he had been in the Irish House of Commons last Wednesday, displaying (no doubt) his elocution in his usual manner, and receiving the applauses of his astonished audience: He had then crossed the seas and mountains with precipitation, took his seat, confessed his ignorance of the subject, and then accused the House of precipitation for having pushed on a bill

bill to the third reading, rashly, unconstitutionally, and unadvisedly, after a fortnight's debate, when every possible argument on both sides of the question had been discussed with all the acumen, subtilty, and abilities of that House: but as the honourable gentleman studiously avoided entering into particulars, he displayed his political sagacity by general aphorisms; and they derived consolation and improvement by hearing truths (which no man could dispute, and which they heard every day) solemnly sanctioned by so great and respectable an authority. The honourable gentleman had said, and truly said, the House should proceed with discretion, otherwise they could not act discreetly; but as the word discretion might not have all the desired effect, he had added sound discretion, which epithet, no doubt, gave it a legal and wonderful parliamentary grace and dignity. After this exordium, Mr. Courtenay said, he expected to have heard some reasons to prove the House had not proceeded with discretion, with sound discretion; but the honourable gentleman had not chosen to gratify his curiosity. However, he begged leave to return him thanks, for not overpowering him by the solidity of his arguments, and enchanting him by the brilliancy of his imagination: for if the honourable gentleman had exhibited his former blandishing powers of persuasion, he might (considering his peculiar admiration of the honourable gentleman, aided by his partiality to his countryman) have exhibited an extraordinary instance of inconsistency, by surrendering to the oratory of the honourable gentleman, though he had intrepidly held out against the graceful and elegant elocution of the right honourable gentleman, and the energy and logic of another, whose eloquence murmured along, both with the rapidity and clearness of the river Tweed. The honourable gentleman had also boasted of his being independent, and connected with no party. Mr. Courtenay observed, he was not acquainted with the honourable gentleman's political connections: he gave his own definition to the word independent. For instance, whenever he heard a member of that House speak without any knowledge of the subject, without any previous information of facts, and without any sound or solid argument, he denominated such a gentleman an independent member of Parliament, as he certainly spoke independent of points and circumstances, which shackle and confine other members of a more abject

ject and less enterprising spirit; at the same time he must observe, that the honourable gentleman was not singular in that respect; for since he had the honour of a seat in that House, he had heard many British Senators express their sentiments in the same independent manner. The honourable gentleman had also been pleased to enter into a strict scrutiny and examination of the powers vested in the seven Directors or Commissioners, and attempted to shew the inconsistency and absurdity of those powers, by logically stating, that seven, divided into two arithmetical parts, one of three, the other of four, which two numbers added together, made up the number seven. Now, says the honourable gentleman, the number four is more than the number three; yet three makes a quorum, consequently the smaller number governs the greater; and by this incongruous system the minority governs the majority. How this applied to the present bill, Mr. Courtenay declared he could not comprehend; but doubting his own comprehension, rather than suspecting the want of perspicuity in the honourable member, he had asked several gentlemen who sat near him to expound this riddle, but they also equally confessed their ignorance. He therefore entreated the honourable gentleman not to let the House burst in ignorance, but illumine this opake political point with the splendor of his genius. The honourable gentleman had also, with profound learning and ingenuity, alluded to the celebrated and unhacknied story of the Decemvirs; and seemed fearful, lest some of the young Directors should, like Appius, commit a rape on Virginia; or to speak a more constitutional language, violate the purity of that immaculate House; but he was under no such apprehension, as the debates of that night had convinced him, that we had our British Cassii, our Tribonii, and our Brutii, who with indignant spirits, and manly exertions, would avenge the cause of their injured country. Mr. Courtenay concluded, by apologising to the House, for taking up so much of their time; nothing but deference and respect to the honourable member could have induced him to trouble them at that late hour. He thought himself particularly called on by the honourable gentleman, the accommodating eccentricity of whose arguments seemed so exactly calculated to his capacity. He appealed to the House, whether he had not given them their full force; indeed it had not puzzled him how to an-

swer them, but where to find them. He congratulated the House on the honourable gentleman's declining (for reasons he had explained at the beginning of his speech, viz. his absolute ignorance of the subject) to enter into the argument at large, on the principle, policy, and expediency of the bill. If the honourable gentleman had done so, he must have followed him, and rung all the changes on legislative and executive power, with which the House had been so edified and entertained.

Mr. Flood. *Mr. Flood* said a word or two in explanation, and then the House divided,

Ayes, - - - 208 Noes, - - - 102 .

The bill was read through, and the names of Stephen Lushington and Jacob Wilkinson, Esqrs. scratched out of the clause nominating the Assistant Directors, at their own requisition, and those of Joseph Sparks and James Moffat, Esqrs. upon motion received, agreed to, and engrossed in their stead.

The Solicitor Gen. The *Solicitor General* next moved for leave to bring up a short clause, declaring it a public bill.

Mr. Arden. *Mr. Arden* said, he had not the smallest objection; it might certainly be so declared; but he wondered not at its having escaped the honourable gentleman, since every body had considered the bill as a private job.

One or two verbal amendments were then proposed, and engrossed; after which the title of the bill was altered, and then the bill passed, and was ordered to be carried up to the Lords by Mr. Secretary Fox.

December 10.

As soon as the order of the day was read, for the House to resolve itself into a Committee of Supply, for the purpose of taking into consideration the army estimates,

The Sec. of War.

The *Secretary at War* (Colonel Fitzpatrick) rose, and moved, "That the Speaker leave the chair."

General Ross,

General *Ross* then got up, and made a long speech on the subject of the army in general; the General stated a great variety of particulars, which, in his mind, either called for regulation, or ought to have been conducted in a manner different from that in which they had been conducted. As he was so extremely hoarse, that we could not hear him utter any two sentences distinctly, it was not in our power to collect enough of the train of his reasoning, to be able to

to follow him with any degree of connection or distinctness.

As soon as the General sat down, the Speaker put the question; and Mr. Ord having taken his seat at the table,

The *Secretary at War* rose, and opened the estimates of The Sec. at War. the army for the service of the ensuing year. Colonel Fitzpatrick stated that the gross number of men proposed to be voted was 17,483, including 2230 invalids. He explained their distribution, and the corps of which they consisted; he mentioned that there was an excess in the number and expence, compared with the estimate of the last year, though it was but a small one, and that, for reasons that he assigned, unavoidable. Among other parts of the detail, he said, two battalions of Hanoverians still remained in the country, that Government had not yet been able to spare them, but that as soon as it could be done with conveniency, they should be sent home. He doubted not it would give the Committee concern to hear, what it gave him pain to say, viz. that with all possible attention to œconomy in the management of the army, which it was so much the duty of his Majesty's Ministers to attend to in the management of every department of Government, it would not be in their power to effect the entire reduction of the army intended, so soon as they had reason to have expected. This, he said, was owing to a variety of causes, but to none more than to that expedient unfortunately adopted in the course of the last war, in the hour of great difficulty, to recruit the regiments on the establishment at that time; he meant the expedient of taking men on condition of serving for three years only. This matter had given rise to a species of connection or agency between the lower order of the practitioners of the law and the common soldiers, that proved a source of daily drain to all the regiments recruited after that expedient was resorted to. The Secretary at War took notice of the three regiments that it was necessary to send to Ireland immediately, in order to complete the establishment there; and after speaking to all the divisions and sub-divisions of the estimate, he concluded with moving, "That 17,483 men, including 1030 invalids, be voted for the service of the year 1784."

Sir Joseph Mawbey adverted warmly to the extreme absurdity of sending soldiers to Ireland, and being obliged to retain foreign soldiers in our pay. That, he said, was no great proof of the disposition Ministers had professed of reducing the disbursements of the State. The smuggling he allowed

Sir Joseph
Mawbey.

allowed to be a pernicious practice; but he could not see that it could furnish a sufficient plea for accumulating the distresses of the country, by paying an unnecessary body of men. He said, the number moved for was out of all bounds; he should therefore oppose it, and move the House for 10,000 soldiers for the ensuing year. That number, he said, was sufficient, if they were judiciously disposed of.

The Com-
mander in
Chief.

The *Commander in Chief* (General Conway) justified the conduct of the Crown in sending so many soldiers to Ireland. He said the government of that country made it necessary; and they who knew the nature of it best, had recommended the measure to his Majesty. He made some observations on the necessity of preventing smuggling. He further illustrated the present state of the army; said it was requisite, both for the dignity and the safety of the nation, that a tolerable force be kept up. He said, Government would discover little wisdom in diminishing the number of the army for the sake of a few thousand pounds; it might lose millions by such ill-timed parsimony. He concluded with approving of the right honourable gentleman's motion.

Sir Joseph
Mawbey.

Sir J. *Mawbey* again reprobated the folly of retaining foreigners in our pay; when our own troops were in Ireland. He could not conceive, he said, why they were sent there; the Irish Parliament, he well believed, did not want them to be there.

Gen. Con-
way.

General *Conway* said, that there was a certain number (16,000) which the Irish Parliament had voted for. They had therefore a right to have them in Ireland to protect their trade. The Irish, he said, were displeased if there were not 12,000 in that kingdom.

General *Ross* and the Secretary at War both spoke for the motion. The question was then put, when, Sir Joseph *Mawbey* still opposing it, a division took place, and there appeared,

For the motion, 44; — Against it, Sir Joseph *Mawbey*, Majority 44.

December 11.

The Sec.
at War.

The Secretary at War brought up the report from the Committee of Supply on the army estimate. The resolutions were read over as follow :

Resolved, That 17,483 effective men, including 2030 invalids, be employed as land forces for 1784.

That 636,190*l.* be granted to his Majesty for defraying the charge of maintaining the said men, including garrisons, com-

commission and non-commissioned officers, private men, the charge of cloathing, charge of agency, and allowances to Captains and paymasters, surgeons, and riding-masters, for 1784.

That 284,213l. 2s. 9d. be granted for the forces and garrisons in the plantations, garrison of Gibraltar, &c. &c.

That 8252l. 7s. 9d. be granted to his Majesty for pay necessary to be advanced to a regiment of light dragoons, and five battalions of foot serving in the East Indies for 1784.

That 10,587l. 8s. 6d. be granted for the payment of general and general staff officers in Great Britain for 1784.

That 67,551l. 14s. 1d. be granted for allowance to the Paymaster General, to the Secretary at War, to the Com-military General of Musters, to the Judge Advocate General, to the Comptrollers of Army Accounts, their deputies and clerks, and for the amount of Exchequer fees to be paid by the Paymaster General, and on account for poundage to be returned to the infantry of his Majesty's forces for 1784.

And 9371l. 17s. 9d. for the charge of two Hanoverian battalions serving in Great Britain for 183 days, from the 25th of June, 1783, to the 24th of December following. It was then moved that they be read a second time; upon which,

Mr. *Hussey* said, there was a circumstance in the estimates Mr. *Hussey*, which called for the attention of the House; it was this: 19,000l. appeared to have been paid in fees at the Exchequer, for issuing money towards paying the army. From the Tenth Report of the Commissioners of Accounts, he had been led to expect that a reformation would long since have been introduced into the Exchequer; but in this expectation he had been disappointed; and he was therefore unwilling to vote 19,000l. in fees to an office, which appeared so very inadequate to the purpose of its original institution. He was sorry that the noble Lord, the Chancellor of the Exchequer, was not then in the House, to give some information on this head.—No one rose to give reply to Mr. *Hussey*; and therefore the question for the second reading was put and carried. The clerk then began to read the resolutions a second time; upon which,

Mr. *Flood* got up: he said he had attended yesterday in his place; but not seeing above twenty members in the House, he took it for granted that nothing of any moment would have passed in it, and therefore he went away. He was surprised, however, to find, by the public newspapers, that something had passed there after his departure, which appeared to him

him to be of a very important nature indeed. He understood, that in an answer to a question put by an honourable member, relative to some troops that had been sent to Ireland, it had been suggested that there was a delicacy in the subject which seemed to imply that there was at this moment a necessity for sending them to that kingdom; as if there existed somewhere, a suspicion of the loyalty of the volunteers of Ireland. He understood that it had been insinuated that the situation of Ireland making it necessary that troops should be sent thither, was a reason for voting a larger force in England than was usual for a peace establishment. For his part, having been so lately come from Ireland, he could speak with a degree of knowledge of the disposition of the people, which, in his mind, rendered absurd and ridiculous the idea of the necessity of sending troops to Ireland; she wanted them not; and it would be impolitic indeed, and a wanton abuse of the liberality of the British Parliament, to burden the public of this kingdom with a force which the other did not want. He knew the sentiments of the volunteers of Ireland; upon a suspicion of whose loyalty the idea of a necessity of sending over troops could only be founded; and he knew, that to charge them with disloyalty, would be a most flagitious falsehood. He was himself actually the bearer of an address to his Majesty from that body of men, the most loyal among a loyal people. It breathed as warm a spirit of loyalty, respect, attachment to the Sovereign, and to this country, as ever had been conveyed to the throne, even by the most influenced majority of any House of Parliament. He hoped, therefore, that he had been mistaken in apprehending that any thing had been stated in a debate that could induce a suspicion of their loyalty; if such a suspicion could have been breathed into the mind of any man in this country, it could have been only by some wretched and interested borough-mongers, who, to preserve their own interests, would not hesitate to blast the fairest fame. He concluded by expressing a wish, that some honourable member would be so obliging as to explain the meaning of the expression, which had given him very serious concern.

General
Luttrell.

General *Luttrell*, with much warmth, expressed his astonishment that the right honourable gentleman could venture to utter the language he had just heard, when he knew that he (the General) was in the House, who could contradict him. He said Ireland did not want any troops from

from England; but the reverse was the truth, for the Irish House of Commons had voted, that there should be 12,000 men kept at home for the defence of the country. He himself had made one of the great majority that came to that vote, and therefore he was amazed to hear the right honourable gentleman say, that Ireland did not want the troops that had been sent over: assuming from his abilities and fluency of speech, a superiority over others, he was not ashamed to call the House of Commons of Ireland, a parcel of "borough-mongers:" it was not a little surprising that the person who used that expression, was not only a member of that House, but had also very lately mongered for a borough himself. "Had this scene passed in Ireland, said the General, I would not have taken the least notice of what the right honourable member said; for there he is known, and what falls from him is treated as it deserves. But here he is not known; here he is an independent member, because he has lately been independently elected for Winchester."

Lord North rose to a point of order. He said, that the *Ld. North*, honourable gentleman who spoke the last but one, had certainly deviated from the question then before the House, by thus attaching himself to an expression which he had read in the papers, as falling from a right honourable gentleman in the course of the debate. He pretended not to charge his memory with every word that might be used in yesterday's debate; but he did not recollect that such words as the delicate situation of Ireland had been used. He thought the honourable gentleman should not so implicitly have credited the reports he had read, in making it a matter of such magnitude, until he had been assured it had been uttered, by a more minute and deliberate enquiry. The dignity, honour, and character of Parliament, he thought, required more the honourable gentleman's attention, before he hastily adopted certain words, which most probably had never been expressed, that tended to foment any jealousies subsisting between this country and Ireland. In regard to the number of men, the words could never have been used with any reference to the necessity of voting this number. For the number to be voted was not extraordinary. They were less than the complement which the Irish Parliament itself had voted.

The *Secretary at War* rose and said, that the honourable gentleman was entirely mistaken, in supposing that the

The Secretary at War.

right honourable General (General Conway) who was then absent, had said any thing that could possibly be construed into the most distant reflection on the loyalty of the Irish volunteers. On the contrary, he had expressed himself in terms of the greatest respect and honour towards their character,

Mr. Flood.

Mr. Flood again rose and said, although the honourable gentleman (General Luttrell) had been very warm in attack on him, yet he should not reply with the least warmth. He said that the honourable gentleman had been free in his personal attack on him with respect to what he had said of borough-mongers. It was true he did represent a borough. He did not deny it. But he thought the gentleman had totally misunderstood what he had said, or he would not have felt it necessary to have expressed himself in such warm and vehement terms. Mr. Flood explained himself on this particular, and then proceeded to resume his former subject of the words delicate situation. If this delicate situation had been used as the principle for this quantity of men being granted, he denied the propriety and necessity of such a quantity. He said, the situation of Ireland was not such as required an establishment contrary to the system of œconomy which had been proposed, and was so necessary to be adopted. He should, therefore, move, instead of seventeen thousand, that fifteen thousand would be sufficient for the service of the year 1784. The honourable gentleman then observed, that nothing could make the people of Ireland harbour the least intentions inimical to their sister kingdom, but her own conduct. If her situation was rendered delicate, it must be by the mistaken policy of this country. There was now none but friends towards this country to be found among the Irish volunteers. But he would not say, how such language might not tend to alter their friendly disposition. This had been formerly the language of a very wise man, who had said the same with respect to America. He wished his sentiments had been timely considered. But the noble Lord (Lord North) thought differently, though he would not say wisely. He was proceeding to enter into the bad and destructive policy of the American war, when he was again called to order by Mr. Powney.

The Speaker.

The *Speaker* rose, and informed him, that it was the rule of that House, while he was in the chair, for no member to speak more than once, unless it was in explaining what

had either been misunderstood or misrepresented by a former speaker.

Mr. Flood was rising to speak again, when

Lord *North* rose, and said, he had something to say in *Ld. North.* explanation. He said, that admitting the words delicate situation had been used, he saw no reason why the honourable gentleman should have interpreted them in the serious manner he had done. He saw nothing in this delicate word that could possibly be interpreted as implying any jealousy towards the Irish Volunteers. Was there not other situations to which the word might be applied, than referring to their loyalty? In his opinion, there was nothing in them which deserved so serious a comment. But what use does the honourable gentleman (Mr. Flood) make of these words? asked his Lordship. He makes them merely a plea for voting two thousand men less than the estimate before you. His Lordship treated this idea with peculiar sarcasm, and concluded with some observations on the inexpediency of the proposed amendment.

General *Luttrell* said, the honourable gentleman had, in the Irish House of Commons, declared, that the proportion of the Irish establishment should not be beyond the proportion of a ninth part of what was the establishment in Great Britain. Now, in the British, the honourable gentleman had voted for only fifteen thousand men, when, agreeable to his own declarations in Ireland, they should at least be nine times the quantity. This was what he had done in his great friendship which he had lately shown towards both the sister kingdoms: but his friendship towards them would be soon discovered.

*General
Luttrell.*

General *Conway* rose to explain what he had said the day before, which he found had made so much altercation in the present debate. He explained himself entirely to the satisfaction of Mr. Flood.

*General
Conway.*

A good deal of unimportant altercation took place about withdrawing the order, which at last was done, and the report was read a second time.

December 12.

The House went into a Committee on the American Interchange bill, Mr. Eden in the chair; the blanks were filled up, and the bill passed through the Committee without opposition. The House was resumed, but it was only to re-

solve itself into a Committee of Supply, Mr. Ord in the chair, to take into consideration the Ordnance estimates.

Mr. Minchin.

Mr. *Minchin* said, that the state of the Ordnance debt was such, that it called for the most serious and speedy consideration of Parliament. Under the pressure of this debt, the Board could never make a good bargain for the public; for as the Ordnance debentures were at thirty per cent. discount, a private person could with 70*l.* purchase as much at market, as the Board could with a debenture of 100*l.* It was for the House of Commons, not for him to determine; whether money should be borrowed to pay off the debt, whether the debt itself should be funded, or whether the debentures should bear interest. This much however would strike every man, that it were infinitely better for the public to pay five per cent. than thirty. This debt, at the close of the last year, exceeded 900,000*l.* of which 31,000*l.* had been paid off, so that there still remained considerably above 850,000*l.* It was unnecessary for him to urge the propriety of taking it into serious consideration. As to the estimates then immediately before the Committee, the first he mentioned was one for 111,000*l.* which was to pay a debt of that amount incurred last year, and not provided for by Parliament. The next was for 430,269*l.* for the Ordnance, for the service of the year 1784. In this estimate were included certain expences attending Gibraltar, Landguard fort, and other places. It included also a sum which he knew some gentlemen would rather bestow in some other manner; it was for the purchase of Sir Gregory Page's house on Blackheath, for the use of the Royal Military Academy now at Woolwich. It had already been said without doors, that the Board of Ordnance was going to purchase a palace at a time when the state of public credit was so low, and the finances in such disorder. He would say, that to lay out the public money wantonly, or without necessity, would at any time be improper, but infinitely more so at present, and therefore he would condemn the purchase of Sir Gregory Page's house at present, if two things did not concur to make him think the purchase warrantable. In the first place, the situation of the Royal Military Academy at Woolwich was such, that it was absolutely necessary either, that the building should be enlarged, or the young gentlemen must be removed from it; for lying exposed to a sharp wind, blowing over fenny and marshy grounds, it was in a most unhealthy situation;

so much so indeed, that generally one third of the young gentlemen were on the sick list. Humanity therefore called for their removal, and so did policy, for every one knew how beneficial the institution of the Academy was to the public. Artillery men were not to be made in a day; it required a good fund of science, after long study: he once had an opportunity to lament the scarcity of artilleryists; for having had the command of an important post at Plymouth, where there were forty pieces of cannon mounted, he had only three decrepid artillery men for so many guns. The necessity of removing the Academy being once established, the next thing to be considered was to what place: two plans had been under consideration, the one to build a new house, the other to purchase Sir Gregory Page's. The gentleman who has the disposal of it, offered very fairly; he said he would sell it for the value of the materials, and would even abide by the valuation that the Ordnance Surveyor should fix upon it: it accordingly was surveyed, and the price fixed upon it was 18,200*l.* including the purchase-money of a considerable piece of ground near the house. In this valuation were not included all the ornaments of the house, such as noble marble chimney-pieces, which were however to be given in the bargain, and might be disposed of for the benefit of Government. This sum being compared with that which it would cost to build a new house, appeared to be less by several thousands; and therefore he thought the purchase desirable, not only on account of the beauty of the building, but also on account of the saving it would be to the public. Though this bargain would call for 18,200*l.* ready money, still he would inform the Committee, that there were sums already voted for other purposes, which having been as yet unapplied, might now be applied to this purchase. Parliament had voted 3000*l.* to build a chapel at Woolwich; but the work had not as yet been begun; and about 7000*l.* more to erect some works in the Warren: now if the academy should be removed to Blackheath, there would be no occasion to build any of these works, as the apartments now occupied by the cadets might be made to answer all the purposes of these formerly intended buildings. In another point of view also, the public would find their account in the purchase: there were several officers employed in the Warren, to whom an annual allowance was made for lodging, to the amount of about 500*l.* a year, which

which would be saved, as these gentlemen would be accommodated with Sir Gregory Page's house. The Surveyor of the Artillery would also be lodged in it. In a word, he thought the purchase so cheap, that he would be very sorry so good a bargain should be lost. He then made some observations on the different places where fortifications were carrying on: at Portsmouth, Plymouth, Lyme, Chatham, Sheerness, Landguard fort, Tilbury, and the Isle of Man. The necessity of the works for the defence of the different dock-yards need not to be proved: gentlemen must already be sensible of it; the utility of Landguard fort would appear from the general alarm that was occasioned at the breaking out of the Dutch-war, when all along the eastern coast there was not, except there, the least asylum or shelter from the enemy. In the Isle of Man some batteries and sheds for stores were erecting, for the purpose of checking smuggling, which was openly and as daringly carried on there as in England. He concluded by moving his first resolution for 111,000*l.* for debts incurred for the service of last year, and unprovided for by Parliament. This passed without any opposition. He then moved his second resolution for 430,269*l.* for ordnance land service for the year 1784. This resolution produced a most tedious conversation, in that irregular way in which debates and conversations are usually carried on in Committees, where each member who takes a part may speak as often as he pleases: this was the case in this conversation, where several of the members were on their legs six or eight times each. It is as impossible as it would be unentertaining to follow them in regular order; we shall therefore rest satisfied with stating the most remarkable observations.

Sir Joseph
Mawbey.

Sir *Joseph Mawbey* said, that the country was actually in such a state, that if it should any longer think shillings and pence below our notice, we must be undone: economy alone could save us; every department must be cut down, army, navy, ordnance, or the country could not subsist. The ordnance in particular was a kind of Augean stable that scarcely any thing could cleanse; there was no coming at a knowledge of the manner in which the public money was expended in that department: all was buried under the mystery of necessary forts and fortifications.

Mr. Hussy.

Mr. *Hussy* inveighed against the purchase of Sir Gregory Page's house; if it were to be given to the public as a present,

sent, he would rather see it pulled down then converted into an academy: this would be only a means for creating new expences in repairs, additions, alterations, &c. Why could not the academy remain where it was? It had hitherto answered all its purposes in its present situation, why, therefore, remove it? Nay, he was not thoroughly satisfied of the utility of the establishment. Several officers upon the Warren at Woolwich had been mentioned, such as the Surveyor of artillery; he believed their offices, at least that of the Surveyor, to be sinecure places, created of late for ministerial influence; and these places being once established, then it was said it was necessary to provide lodgings, &c. for them! This was really an intolerable grievance, and he implored the noble Lord at the head of the Exchequer to take compassion on the distresses of the public, and resist this demand from the Ordnance Board for the 18,000l.

Mr. Courtenay said, the honourable member was mistaken in many particulars; and first, in supposing that the place of Surveyor of Artillery was a newly-created place; for in fact it had been created by John Duke of Marlborough, who bestowed it upon a favourite officer, who had greatly distinguished himself in that General's wars: It was indeed a sinecure in its origin, and had remained so, till the present Master General, when he was last at the head of it, resolved to make it an efficient place, and procured it from his Majesty for the late General Desaguliers, an officer of high reputation, and great service, who in the office of Surveyor of Artillery, had been highly serviceable in that department. It was now filled by a most respectable and meritorious officer, Major Bloomfield, who had actually made a survey of all the cannon on the coast, and delivered in plans for preserving the guns, &c. which would be found highly serviceable to the public. The office was originally not only a sinecure, but had annexed to it 500l. a year; but the present Master General of the Ordnance had not only made it a place of active service, but had also cut down the salary to 350l. per ann. As to the establishment of the Royal Military Academy, he was really surprised to hear its utility to the public called in doubt. Before the days of the late Duke of Cumberland, this country had no artillery force of its own; and all the duty of that branch of the military was performed by foreigners, who were hired for that purpose. That

Mr. Courtenay.

That Prince, desirous that there should be a British force to manage the artillery proportioned to the number of our army, laid the foundation of the present academy; and so prosperous has been the establishment, that we have now an artillery corps equal in point of abilities, if not superior to any in Europe. The officers who had signalized themselves in that branch of the service, had been bred in that academy; and without disparagement he would say, that the artillery had distinguished itself perhaps the most of any other part of our forces in the course of the last war; and though on account of the scarcity of grown persons qualified to serve in that corps, commissions had been given to boys of fifteen years of age, yet not one of them had been known to abandon his gun, or turn his back upon the enemy. He could not help singling out one instance among many, of a young officer, who had been bred at Woolwich: his name was O'Hara; and he was grandson to the late Lord Tyrawly: in America he found himself in an affair, where every man under his command had been killed in defending their guns; the noble youth scorned to fly; and though quarter was offered to him, he refused it, preferring death to the supposed disgrace of having lost his guns. Such were the youths who had been educated in that seminary: he had therefore cause to wonder, that the utility of such an institution should be questioned. He would ask the Committee, whether they would wish, in order to save a trifling expence, to keep these youths in a situation, where for six months in the year they were a prey to agues? One-third of them being generally confined to their rooms, their constitutions were broken before they ripened into men; and their studies, which alone could render them useful to their country, were interrupted. At Sir Gregory Page's house they would be at their ease; and really it would be a pity, that so great an ornament to the country as that house was, should be pulled down and destroyed, when it might be preserved for a most useful purpose, and at a small expence to the public. The interest of the money would be 900*l.* a year; and out of that there would be a saving of 500*l.* annually allowed to certain officers to provide them lodgings; and the interest of the money already voted for the building of a chapel and other works, and which would be employed in the purpose, would make up more than the remaining 400*l.* nay, the present Master General of the Ordnance

Ordnance had saved almost geol. a year only out of the very sweepings at the Tower. The number of cadets in the Academy had been increased from forty to sixty-five, during the administration of the late Master General. That noble Duke, finding that there were sometimes thirty vacancies in the Artillery corps, for commissioned officers, and that he had not a sufficient number of cadets growing up to fill up these vacancies, very wisely increased the number, and this increase necessarily made the situation of the sixty-five very inconvenient in the Academy. Indeed the noble Duke himself felt it so much, that if he had continued in office, he certainly would have purchased Sir Gregory Page's house for their use; and no one would suspect the noble Duke for losing sight of oeconomy in managing the public affairs. An honourable Baronet was very liberal of abuse on the Ordnance Office: this was a happy constitution, where a man might speak what he pleased, nay, if he pleased, without knowing what he was saying, or caring whether any one paid the least attention to what he said. Such a man might talk of Augean stables; but happy it was that the honourable Baronet's expressions were generally harmless in their effect: it might be otherwise, indeed, if he had been acquainted with the manner in which Alexander VIth and his son, Cæsar Borgia, used to make a deadly poison, which came from the mouth of a pig: Voltaire, in his Universal History, speaking of this poison, relates, that Alexander and his son used to tie up a pig by the hind legs, and beat him till he frothed at the mouth; some of this froth, administered in a cup of wine to a man, was an infallible passport to eternity. — What a happiness it was to the House, that there was no such frothy orator in it! — The House laughed most heartily at this allusion.

Sir *Joseph Mawbey* observed, that the honourable member *Sir Joseph Mawbey* had honoured him more than once with personal allusions: he admired his wit on most occasions, though he believed he did not make much of it in this last attempt. However, as for himself, he would say, that he was a man of plain sense; that he had acted uniformly upon principle, a slave to no man, brought in by no man, the follower of no man.

Mr. Steele declared that the noble Duke, late at the head of the Ordnance, intended to have purchased Sir Gregory Page's house: and he would also say, that he believed he could not have procured it on so advantageous terms for the public as the present Master General had obtained.

Gen. Smith. General *Smith* bore his testimony to the utility of the Academy at Woolwich; he had seen in India a company of the artillery that had been enlisted into the Company's service; and so skilful were they, that six of the privates had risen to the highest situations in artillery departments in India. He had been lately at the Academy, and he was sorry to find the young gentlemen, who were to be hereafter the support of the artillery, so uncomfortably lodged; there were seven of them lodged in one room, not twenty feet square.

Mr. Brett. Mr. *Brett* said, that gentlemen might say what they pleased, but without œconomy the country was undone. The state of the Treasury was so low, that 500,000*l.* which had been voted last year for Ordnance service, had not yet been issued, because there was no money in the Treasury. The Sinking Fund produced no more last year than 1,200,000*l.* though the noble Lord had taken it for 2,000,000*l.* and he was afraid that this year it would not produce half that sum. Idle and unnecessary fortifications were erecting in different places at an immense expence; 3000*l.* were charged for the cob at Lyme Regis. In the name of God, why was this expence incurred? Formerly the peace establishment of the Ordnance did not exceed 200,000*l.* or 250,000*l.* but now the Committee was applied to for 430,000*l.* This was an enormous expence, and must be reduced.

Mr. Minchin. Mr. *Minchin* said, Lyme Regis was a very convenient port, as all the people of Dorsetshire and Devonshire would allow; and the works for the defence of it having been washed away by the sea, they had been restored at the expence of 3000*l.*

Mr. Brett. Mr. *Brett* replied, that it was a new doctrine to him, though he had for so many years rode the sea, that Lyme was a convenient port: he knew it was frequented only by fishermen, and, perhaps, by smugglers, and therefore he could see no reason for this expensive cob.

Mr. Hufsey. Mr. *Hufsey* was struck with this: he said, that enquiries ought to be made into all these fortifications before the money should be voted, and therefore he would move an amendment, that instead of 430,269*l.* be inserted 300,000*l.* on account.

Lord John Cavendish. Lord *John Cavendish* said, that if the 500,000*l.* voted last year for the Ordnance, had not yet been paid, it was not for want of money, for it was actually in the Treasury; but as there are generally deficiencies in payments towards Christmas, this money had not been issued, that, in case of deficiencies,

ciencies, it might answer an end: but now it was ready. As to the house on Blackheath, he really knew little of the subject; but from all he had been able to collect, it was an æconomical bargain for the public. However, he had no objection that the 18,200l. purchase money be left out of the vote, and that a Committee be appointed to enquire into the alledged necessity of removing the Academy. With respect to the fortifications, as he was no judge himself in such matters, he was obliged to follow, and take the advice of those who were judges, and who knew where fortifications were necessary for the defence of the country.

General *Conway* pressed this last observation very far, and said, that gentlemen might perhaps have cause to repent, if they should set aside the opinion of professional men in such matters, in order to set up their own: the former were responsible to their country, and to their profession, for their surveys and opinions; and that responsibility had better be lodged in them than in the House of Commons, where it could be of no effect. As to the house of Sir Gregory Page, he was clearly of opinion that it had been purchased on the most advantageous terms for the public; and such a house was really necessary for the Military Academy. General Conway.

Sir *William Dolben* was for the purchase, as well from humanity to the young gentlemen, as from a principle of æconomy, and a regard to the public service. Sir William Dolben.

Mr. *Martin* could not resist a purchase which had been made for the purpose of preserving the health of the gentlemen cadets, a body of young men so useful to the state. Mr. Martin.

Mr. *Huffey* at last accepted Lord John Cavendish's offer to refer the consideration of the purchase to a Committee, and withdrew his motion, it being agreed on the other hand, that the 18,200l. should be deducted out of the gross sum. This deduction left the gross sum 412,059l. and the question having been put, the sum was voted without a division. Mr. Huffey.

The House was then resumed.

Mr. *Huffey* then moved for a Committee to take into consideration the propriety of purchasing Sir Gregory Page's house on Blackheath, for the use of the Royal Military Academy; and also that there be laid before the House an estimate of the gross amount of the sums that will be required to compleat the works at Portsmouth, Plymouth, Chatham, Sheerness, Tilbury, Languard fort, Lyme Regis, and the Isle of Man. Both these motions passed: Mr. Huffey.

And then, it being seven o'clock, the order of the day, for the farther hearing of counsel in the case of Sir Thomas Rumbold,

bold, was moved for by Mr. H. Dundas. Counsel was then called in, and Mr. Plomer, who succeeded Mr. Erskine, whose election to a seat in the House prevented his pleading at that bar, was heard in behalf of Sir Thomas.

December 17.

Mr. Baker. The moment the Speaker took the chair, Mr. *Baker* rose, and observed, that as he had matters of very great importance to submit to the consideration of the House, he begged the Speaker would issue his orders for the immediate attendance of members.

This being agreed to, the Serjeant at Arms went to the Speaker's chamber, carrying the mace, and all the adjacent rooms of the House, with the Speaker's orders for their instant attendance in their places on their duty. The House was consequently soon very full.

Mr. Baker then apologised for the part which he found it his duty to act, and the forward step he was obliged to take in submitting to their attention an object of consideration the most important and interesting that ever was proposed to Parliament. And at the same time that he lamented with the Speaker his late family affliction, as it must have been personally distressing to his feelings and humanity; he could not help being pleased with the opportunity which it had afforded himself by the recess it occasioned, of digesting this important and pressing business, in order to bring it forward in that form to which he had reduced it.

He then stated the progress of the India bill in the other House, and to what delays and adjournments it had been subjected. He was not prepared, nor was this the time to present any specific charge against any individual or set of individuals. Whatever the wisdom of Parliament might think proper to do afterwards, the duty of the House, in his opinion, was only to institute such an enquiry as might tend to investigate the facts necessary to substantiate the delinquency to which he alluded.

Every honourable gentleman, he doubted not, would readily anticipate that certain rumours were in his eye, by which many of those who sat in the other House were influenced to vote in a manner which, but for the prevalence of such rumours, they certainly would not have voted. These rumours were notorious and universal. They affected the personal reputation of the Sovereign. They had been,
in

in some measure, avowed in the other House. They consisted with every individual's knowledge, and could not be contested.

The argument, therefore, on which he addressed the House, and founded his motion, was, that these rumours were dangerous to the constitution of the State, in as much as they were calculated to bias the deliberations of Parliament, and that impartiality and independence which were at once the support and the glory of the British Legislature. Their immediate object was to render the Sovereign his own Minister, and give a dangerous and unprecedented negative to the prerogative of the Crown. They divested the executive power of all responsibility, and held forth the Royal opinion as the rule by which those, who were possessed of the privilege of deliberating and deciding on all measures that came before them according to their consciences, were directed to vote. They, on these grounds, constituted an evil of the first magnitude, and called for the immediate and decided interference of Parliament. The motion which he proposed to the House was, "That it is now necessary to declare, that to report any opinion, or pretended opinion of his Majesty, upon any bill or other proceeding depending in either House of Parliament, with a view to influence the votes of the members, is a high crime and misdemeanor, derogatory to the honour of the Crown; a breach of the fundamental privileges of Parliament, and subversive of the constitution of this country."

Before he sat down, he would beg leave to refer the House to a case in point, which they would find on their own journals. This was in the year 1640, when the King, in a speech from the throne, blamed some individuals for what they had said in debate, and insisted on adding a clause to a bill then under discussion. This mode of conduct produced much confusion. The Commons came to several resolutions concerning it, and at last agreed to an address and remonstrance to the Throne, against what they considered as a most violent and daring infringement of their rights and privileges. They likewise intreated the other House to join them in these spirited proceedings.

This, the honourable gentleman candidly allowed, might not strike gentlemen as in every point similar to the case in question. But it went to the establishment of doctrines which applied to the resolution he had stated; and it pointed out, in his opinion, the mode of conducting the business, which

which the House, from such a strong precedent, would undoubtedly adopt.

Lord Maitland.

Lord *Maitland* said, he had many apologies to make for offering himself to the attention of the House: but it was his duty not to shrink from any appearance or exertion which the interests of the Constitution might demand at his hand. The question now before the House was not that of public or private property, or plunder. It was not the merits or demerits of an usurper. It was not the management or mismanagement of the greatest commercial Company in the world. No, none of these matters were, in his opinion, half so important, or came home to his mind with any thing like the pressure which he felt when he considered that this night might probably determine whether this country was henceforth to be governed by a public and responsible Administration, or a secret cabal, whom no one knew or could find, or could charge with any violation of right, or much less could answer for the grossest mismanagement, which none could or dared to avow. Under such a circumstance where shall we find, said his Lordship, that responsibility, that redress for grievances which is so amply provided for in the Constitution? Is this country, after exhibiting one of the most glorious political systems that ever adorned and exalted any society on earth, in one rash moment to surrender a privilege which she owes to the wisdom, the exertion, the blood, the fortunes, and the lives of our ancestors? No. By the resolution now proposed, a plan is pointed out, by which the House may yet assert its own honour, and erect a glorious defence for those privileges, invaded and undermined by those detestable rumours on which it is founded. Many honourable gentlemen were of abilities more adequate to the importance and interesting nature of the subject, in his Lordship's opinion, than him; and to their discussion, without farther trespassing on the time and patience of the House, he would leave it, with heartily seconding the motion.

Earl Nugent

Earl *Nugent* was never more astonished in his life than with the resolution or motion made by an honourable gentleman, and seconded by a noble Lord. It went, in his Lordship's opinion, to an utter annihilation of all sovereignty in the country. What! Were not Peers, by their rank and situation, the hereditary Counsellors of the Crown? Would the House of Commons dare to derogate from that high and discriminating dignity which the Constitution, for the wisest and the best purposes, had appended to their station in society?

ciety? His Lordship would go farther, and assert not only that every Peer had a right to advise with his Sovereign individually, but that every member in the House of Commons, nay, every subject in the kingdom, under certain modifications, had a title to address his Majesty. The resolution before the House was therefore calculated not only to convey a censure on the other branch of the Legislature, to circumscribe the Peers in the enjoyment of their independence, but to subvert the liberties of Englishmen, who were individually allowed by the Constitution to petition the Throne on whatever appeared to them of importance enough to justify such a measure.

But not only does this motion, says he, go thus far, but it goes thus far without any foundation whatever. What are your allegations, and where are your proofs? I vow to God, exclaimed his Lordship, such a motion as this will stimulate the other House to resent the conduct of this. If any individual is intended to be censured by this measure, speak out and name him, bring him before you. What! would you suppress that good old English spirit, which will not be silent in the moment of danger? Is it the intention of this mode of proceeding to check those exertions, which every individual is called upon to put forth in the crisis of public calamity, when innovations, dreadful and threatening to every birthright we enjoy, are brought forward under the strong hand of authority? Do ye mean to keep the few virtues, which yet would stem the torrent of national ruin, in awe, and at a distance from the only ears that may listen to them with success? I vow to God, Sir, were any relation, dear to me or mine, to be found on such a crisis as this, capable of advancing such bold truths to the Royal father of his people; were a person under such a description to be brought before you, and receive condign punishment, I should think it, in common with all his friends, a triumph, which would be his glory to the latest posterity.

The right honourable *W. Pitt* who had rose at the same time with Lord Nugent, now made an apology for this oversight, and hoped the noble Lord would attribute his then getting up to no other motive than that common one which actuated them both, a due attachment to the constitutional independence of Parliament, and the unalienable right of Peers either individually or collectively to advise his Majesty, whenever they thought the situation of public affairs made such a step an essential part of their duty.

The Right
Hon. Wm.
Pitt.

The

The very singular and solemn mode of introducing this most extraordinary resolution, the formality of summoning the immediate attendance of the members, and, above all, the personal character of the honourable gentleman who made, and the noble Lord who seconded the motion, were circumstances which strongly impressed his mind with its necessity and importance; otherwise, when the matter was licked into its proper shape, and divested of every superfluous accessory, it appeared to him the most unnecessary, the most frivolous and untimed that ever insulted the attention of the national senate.

He asked whether gentlemen had adverted to its foundation and object? Did it contain any specific charge? No. Was it directed to any decisive issue? No. Was it founded on any positive facts, either proved or stated? No. What then was the House to make of such a proposition? Could they adopt a measure which came in a shape thus questionable, without maturely weighing the consequences?

Upon what was the mighty grievance complained of supposed to depend? Not on any misdemeanor substantiated to the satisfaction of the House by any sort of evidence whatever, but on the vague surmises or lye of the day. The monster, public report, which was daily and hourly fabricating every species of the grossest absurdities and improbabilities, was thus made to intrude on the national business, and arrest the attention of the House of Commons to follow her through all her shapes and extravagancies. Could any thing be more perfectly ridiculous, or a greater sarcasm on that serious and dispassionate dignity of mind, which ought to attend and discriminate all their parliamentary proceedings?

Surely no such consequence was ever before imparted to mere rumour and hearsay: for was it really the duty of Parliament to take up rumours wherever they were to be found, the House might at least find enough of employment. Happily for Ministers, their rumours were all sanctified by the authority of office. This was the stamp which was to give them currency. But might not those of every size, completion, and shape, be every where seen, on every occasion, stalking openly, and menacing the freedom and birthright of Englishmen, under every form, and by every means?

Influence had been ascribed to rumours of a certain description, which whether true or false he would not say, for he did not know but there was such an influence on the other side, which, according to rumour, was also used, and therefore

therefore equally criminal. Let Ministers answer for those scribblers who are employed at their instance, and even dare avow the use of their authority for publishing things absolutely unfounded. Where was the man who dared to avow such rumours as had been in constant circulation ever since the introduction of the Indian business? Who could estimate their operation on the minds of the people, the state of public credit, and the dignity of Government, in the eyes of foreigners? Why were not resolutions founded on such palpable and obvious mischiefs as these? These all, more or less, originated in rumours, which however were suffered to pass with impunity, and to expire unnoticed, and unsuppressed. But rumours, big he would say with no such consequences, were however to be marked with the indignation of Parliament. He trusted the dignity of the House, the common sense which had always distinguished its proceedings, and the honour which gentlemen owed to their own professions, would not, on this occasion, suffer any thing so frivolous and contemptible to slur the annals of a British Senate.

The honourable gentleman had talked much about secret influence, and asked how Ministers were to act when thus circumstanced? In his opinion, the servants of the Crown were worse than useless, whenever they were without responsibility. For a situation thus dangerous and unconstitutional they were indeed strictly answerable. Their duty in a situation thus dishonourable and inefficient, was therefore obvious and indispensable. The moment they could not answer for their own measures, let them retire. They were no longer fit to occupy stations which they did not adequately fill.

Lord Mahon and Lord North rose both at once, and Lord Mahon was permitted to speak first; but his Lordship promised not to trespass long on the patience of the House. — He began by attacking Mr. Secretary Fox with an utter desertion of all principle. He reprobated the East-India bill as the worst and most obnoxious that ever challenged the attention of Parliament, or roused the indignation of Englishmen. In a high strain of hypothetical reasoning, his whole speech was a personal attack on the conduct of the party who adhered to Mr. Fox, whom he reprobated as abandoning the public for private interest. He referred particularly and pointedly to the conduct of a noble Duke in the other House, whose words he took down; and which were, that he had authority to

say that no man had authority to make mention of the Royal opinion in the sense in which it had been rumoured. This he averred that noble Duke had no right to assert; and he stated it to be as improper an influence on one side, as that which had been insinuated on the other. It was at midnight, he said, this happened, and midnight only was a fit season for such a conduct, as it was an evident intention to bias the minds of those who were entitled and bound by their consciences to exercise their discretion on every question which came before them.

Ld. North. Lord *North* avowed, that at the time to which the noble Lord alluded, he was undoubtedly fast asleep. But his Lordship's earnestness in the business, wherever exercised, had been so great, that, perhaps, the cause of the public had not been a great sufferer if this too had been his situation. He blamed a noble Duke for doing what appeared to him his immediate duty, and the duty of every one who filled so responsible an office. A rumour had been stated, as reflecting very much on the character of the Sovereign, and tending not a little to embarrass Government. How was he to counteract that rumour? Was he to let it pass unnoticed, and possess, undisturbed, all its effect on the minds of those for whose benefit and docility it was calculated? Or had he any other way of defeating its intention than by denying its reality?

His Lordship then applied himself to the several arguments urged by Mr. Pitt, which he went through with infinite energy and wit. He contested the propriety and necessity of the motion, on constitutional principles. It was competent for the House to institute an enquiry into whatever affected the independence or freedom of debate, and to take what resolutions in consequence they might think proper. The responsibility of Ministry was the only security which Englishmen had against the abuse of the executive power. This destroyed, their fears were justly roused, and who could say how strongly these might operate, or where they might end?

But it had been said by the honourable gentleman, that the conduct of Ministers under such a predicament even as this was obvious; whenever they found themselves destined to act under undue influence, they ought to leave their situations; and who, said he, would act so mean, so base, so despicable a part, as, after such an intimation as this, to continue in office? Such a mode of reasoning his Lordship admired, as peculiarly proper in the very critical situation
of

of the honourable gentleman. It was only that one, in one House, should publish such a rumour as had been so frequently mentioned, and another in the other House push Ministers home. The game, thus managed, was sure, and the play required no very uncommon dexterity. He would presume, however, to advise the honourable gentleman to act with a little more patience and decency. Ministry, he trusted, would act as they should do, but he would not now say how. Only he was at liberty to assure the honourable candidate for their places, that they would not retain their situation any longer than they could act in it with responsibility and effect. This, he trusted, was the determination of all who acted with him.

His Lordship had heard much in his time of secret influence. He never saw any thing like it, otherwise he should undoubtedly have relinquished his situation. But this rumour which had merited such a marked reprobation, had all the appearance of it. A bill had been brought into Parliament and discussed with so much serious and repeated argumentation, as he, who had sat full thirty years in the House, never had witnessed before. No evidence was insisted on by the counsel to disprove the spirit or expose the tendency of the bill, but the whole business went on smoothly and without molestation, till the Commons presented it, under all these circumstances, to the other House. There it appeared under the sanction of one of the fullest and most independent majorities that ever accompanied any measure whatever: but there no regard was paid to what happened to every stage of the business. The counsel came forward loaded with new evidence, which they insisted on delivering in full. And lest all this had not been enough, rumours were industriously propagated in order to discredit the measure, and destroy it by that very influence which, if lawful at all, ought only to be exerted when there was a responsibility.

After putting these things in a variety of strong lights, his Lordship contended for the propriety and necessity of the motion. This he did the more especially, as he had been charged on some former occasion with indifference to the constitution. Had he been silent when such a gross violation of it had met with countenance from so many of its most zealous friends, he should have thought himself culpable indeed. For what was the influence of the Crown, against which, on former occasions, all these gentlemen had divided against him, and for which he had then deemed it his duty to contend, in comparison of a principle, which,

once established, would bury in one grave all the privileges of Parliament, the rights of the people, and the destruction of our glorious and happy constitution? He should therefore give the resolution now proposed his most sincere and hearty support.

Mr. Grenville.

Mr. *Grenville* was much astonished at the motion. He reprobated a measure which had no proof to support it. He thought it violent and unprecedented. He desired the accuser to stand forth. If a noble relation of his was obliquely aimed at by such an oblique procedure, he could answer for him that he would not flinch from any scrutiny. But he protested against all insinuation and abuse, and desired the business might be conducted on principles, however bold and spirited, open, upright and unequivocal.

Mr. Fox.

Mr. *Fox* spoke to the following effect: — I did not mean to have said any thing in addition to what has been already urged so ably in favour of the resolution now agitated. In my own opinion, its importance, propriety and necessity, are compleatly and substantially established. A few particulars, suggested in the course of the debate by gentlemen on the other side of the house, may be thought, however, to merit some animadversion. And, once for all, let no man complain of strong language. Things are now arrived at such a crisis as renders it impossible to speak without warmth. Delicacy and reserve are criminal where the interests of Englishmen are in hazard. The various points in dispute strike to the heart; and it were unmanly and pusillanimous to wrap up in smooth and deceitful colours, objects which, in their nature and consequences, are calculated to fill the House, the public and all the world, with a mixture of indignation and horror.

This, at least, hath made such an impression on my mind, that I never felt so much anxiety; I never addressed this House under such a pressure of impending mischief; I never trembled so much for public liberty as I now do. The question before the House involves the rights of Parliament in all their consequences and extent. These rights are the basis of our constitution, and form the spirit of whatever discriminates the government of a free country. And have not these been threatened and assaulted? Can they exist a moment in opposition to such an interference as is supposed by the resolution, as has been stated by several honourable gentlemen, to have taken place? No; human nature is not sufficiently perfect to resist the weight of such a temptation. When, therefore, shall the House assert its dignity, its independence,

its

its prerogatives, by a resolute and unequivocal declaration of all its legal and constitutional powers, but in the instant of their danger? The disease, Sir, is come to a crisis; and now is the juncture which destines the patient to live or die. We are called to sanctify or oppose an absolute extinction of all for which our ancestors struggled and expired. We are called to protect and defend, not only the stipulated franchises of Englishmen, but the sacred privileges of humanity. We are called to protract the ruin of the constitution. The deliberations of this night must decide whether we are to be freemen or slaves; whether the House of Commons be the palladium of liberty, or the organ of despotism; whether we are henceforth to possess a voice of our own, or to be only the mere mechanical echo of secret influence. Is there an individual, who feels for his own honour, callous to an apprehension of such a consequence as this? Does not every regard which he owes to a body who cannot be degraded without his disgrace, who cannot expire without involving his fate, rouse his indignation, and excite him to every exertion, both in his individual and delegated capacity, which can reprobate, suspend, or destroy, a practice so inimical to public prosperity, as well as hostile to the very existence of this House?

But what is this resolution? It has been called, with great technical acuteness, a truism, which seems as incapable of discussion as it is of proof. The foundation of it, however, is a matter of such general and palpable notoriety, as to put every degree of scepticism to defiance. Rumours of a most extraordinary nature have been disseminated in no common way, and by no inferior agents. A noble Earl is said to have used the name of Majesty with the obvious and express intention of affecting the decisions of the Legislature concerning a bill, of infinite consequence to thirty millions of people, pending in Parliament. The nature of this debate will not allow me to avoid the mention of names. The reality of reports circulating, and operating to a certain degree, is equally admitted on all sides of the house. The arguments urged to defeat the use which is made of this fact by the resolution under discussion, are far from contradicting its veracity. No: its validity is supposed; the consequences only, which we impute to that circumstance, are disputed. No man has yet ventured, or dares to venture, to stand forth, and say, in so many words, that it does not exist. This would certainly finish the contest much to the honour of the nobleman concerned, but still more to the satisfaction of this House
and

and the tranquillity of the public. His honourable relation, who dares the House to a specific charge, leaves that whole load of suspicion and crimination on the character he would defend, unbroken, undiminished and unequivocal. This may not be so much owing to a consciousness of delinquency, as a sentiment of pride: pride is the passion of little, dark, intriguing minds; and nothing but the truth of the charge can, in the present case, be more incompatible with every principle of rectitude and virtue. This rumour has been treated with a levity which amounts to a sarcasm or lampoon on the dignity of the House. But I will tell gentlemen it is not a newspaper, it is not a verbal surmise, but something much stronger and more serious; there is a written record to be produced. This letter (pulling it out of his pocket) is not to be put in the balance with the lye of the day. It states, that "his Majesty allowed Earl Temple to say, that whoever voted for the India bill, were not only not his friends, but he should consider them as his enemies. And, if these words were not strong enough, Earl Temple might use whatever he might deem stronger, or more to the purpose." Is this parliamentary, or is it truth? — Where is the man who dares to affirm the one or deny the other? or to say, that he believes in his conscience such a rumour was not calculated to produce an immediate effect? It certainly tended, in the first instance, to vilify, in the grossest and most violent manner, the proceedings of Parliament. It says to the public, that we are not equal to our trust; that we either ignorantly or wilfully betray the interest of our constituents; and that we are not to be guided in our decisions by their convictions or our own, but by that unseen and mysterious authority, to whom the Sovereign, his Counsellors and the Legislature, are only the blind and passive instruments. Both Houses of Parliament are consequently parties in the contest, and reduced, by this unfortunate and wicked advice, to the predicament of a man struggling for his life. We are robbed of our rights, with a menace of immediate destruction before our face. From this moment, farewell to every independent measure! Whenever the liberties of the people, the rights of private property, or the still more sacred and invaluable privileges of personal safety, invaded, violated, or in danger, are vindicated by this House, where alone they can be legally and effectually redressed, the hopes of the public, anxious, eager and panting for the issue, are whispered away, and for ever suppressed by the breath of secret influence. A Parliament thus fettered
and

and controled, without spirit and without freedom, instead of limiting, extends, substantiates and establishes beyond all precedent, latitude, or condition, the prerogatives of the crown. But, though the British House of Commons were so shamefully lost to its own weight in the Constitution, were so unmindful of its former struggles and triumphs in the great cause of liberty and mankind, were so indifferent and treacherous to those primary objects and concerns for which it was originally instituted, I trust the characteristic spirit of this country is still equal to the trial; I trust Englishmen will be as jealous of secret influence as superior to open violence; I trust they are not more ready to defend their interests against foreign depredation and insult, than to encounter and defeat this midnight conspiracy against the Constitution.

The proposition of this evening is therefore founded on a fact the most extraordinary and alarming this country could hear; a fact, which strikes at the great bulwark of our liberties, and goes to an absolute annihilation; not of our chartered rights only and unequivocally, but those radical and fundamental ones which are prior and paramount to all charters, which were consigned to our care by the sovereign disposition of nature; which we cannot relinquish without violating the most sacred of all obligations; to which we are entitled, not as members of society, but as individuals, and as men; the rights of adhering steadily and uniformly to the great and supreme laws of conscience and duty; of preferring, at all hazards, and without equivocation, those general and substantial interests which we have sworn to prefer; of acquitting ourselves honourably to our constituents, to our friends, to our own minds, and to that public whose trustees we are and for whom we act.

How often shall the friends of the noble Earl, whom I have named, be called upon to negative the proposition, by vouching for him his innocence of the charge? Will any of them lay their hand on their heart, and disavow the fact in that nobleman's name? Let them fairly, honourably and decidedly put an end to that foul imputation which rests on his conduct, and the house must immediately dismiss the report as idle and ill founded. But, while no man comes honestly forward and takes truth by the hand, we must look to the consequence. This house must not lose sight of its rights and those of the community.

nity. The latter can subsist no longer than the former are safe. We now deliberate on the life and blood of the constitution. Give up this point, and we seal our own quietus, and are accessory to our own insignificance or destruction.

But how is the question, thus unsuccessfully put to the friends and abettors of secret influence in this, answered, when put to the noble principal in the other House? Is he ready and eager to vindicate his own character, and rescue that of his Sovereign from so foul a reproach? No; but he replies in that mean, insidious, equivocal and temporising language, which tends to preserve the effect without boldly and manfully abiding by the consequences of the guilt. Such was the answer, as mysterious and ill designed as the delinquency it was intended to conceal; and the man only, who could stoop to the baseness of the one, was the most likely in the world to screen himself behind the duplicity of the other. What, then, shall we infer from a system of acting and speaking thus guarded and fallacious, but that the device was formed to operate on certain minds, as it is rumoured to have done; and that such a shallow and barefaced pretext could influence those only, who, without honour or consistency, are endowed with congenial understandings!

Had this alarming and unconstitutional interference happened in matters of no consequence, or but of inferior consequence, the evil would not have appeared of such a magnitude as it does. But let us consider the nature of the business which it is intended to impede or suppress. For near twenty years have the affairs of the East-India Company, more or less, occasionally engrossed the attention of Parliament. Committees of this House, composed of the most able, industrious and upright characters, have sat long, indefatigably, and assiduously, in calling forth, arranging, digesting and applying every species of evidence which could be found. Reports of their honest and elaborate conduct are before the House. The public feel the pressure of this monstrous and multifarious object. Gentlemen in opposition were at least not insensible to its necessity, its urgency and its importance. An honourable gentleman, (Mr. Pitt,) who has distinguished himself so much on this occasion, protested very solemnly against all palliatives, expedients, or the abortive substitutes of radical and complete measures. To meet that honourable gentleman's
idea,

idea, as well as to suit the exigence of the case, the present bill was brought in. It has been called a rash, inconsiderate, and violent measure. The House is aware what discussion it has occasioned; and I dare any one to mention a single argument brought against it which has not been candidly and fairly tried, not by the weight of a majority, but by the force of plain and explicit reasoning. No bill was ever more violently and systematically opposed, investigated at greater length, or by more ability; passed the House under the sanction of a more respectable and independent majority, or had more the countenance and patronage of the country at large. How then did it succeed in the other House? What was the reception which thus circumstanced, it received from their Lordships? Some degree of decency might have been expected from one branch of the legislature to another. That respectable independence which ought to be the leading feature in their decisions, is not incompatible with, but essential to such a mutual deference for the procedure of each, as must be the consequence of acting constitutionally. The bill, however, though matured and debated by all the abilities of this House, though urged by the most powerful of all arguments, necessity, and though recommended by almost two to one on every division it occasioned, will, in all probability be lost. But I beseech the House to attend to the manner in which it is likely to meet such a fate. Is this to be effected by the voice of an independent majority? Can any man view the Lords of the Bedchamber in that respectable light? and the whole fortune of the measure now depends on their determination. The rumour, so often stated and alluded to, was calculated, and intended to answer, an immediate and important end. I am far from saying that it ought. Those in high office and elevated rank, should prove themselves possessed of high and elevated sentiments; should join, to an exquisite sense of personal honour, the most perfect probity of heart; should discover as much dignity and strength of understanding as may be expected from a superior education, the distinctions of fortune, and the example of the great and the wise. But how does this description agree with their mode of managing their proxies? These they cordially give in before a rumour of the King's displeasure reaches their ears; the moment this intimation is made, in the same day, and within a few hours, matters appear to them

in quite a different light, and the opinion which they embrace in the morning, is renounced by noon. I am as ready as any man to allow, what is barely probable, that these Lords might receive new convictions, which, like a miracle, operated effectually and at once; and that, notwithstanding their proxies, from such a sudden and extraordinary circumstance, without hearing any debate or evidence on the subject, they might feel an immediate and unaccountable impulse to make their personal appearance, and vote according to their consciences. Who would chuse to say that all this may not actually have been the case? There is certainly, however, a very uncommon coincidence in their Lordships' peculiar situation and this unexpected revolution of sentiment; and, were I disposed to treat the matter seriously, the whole compass of language affords no terms sufficiently strong and pointed to mark the contempt which I feel for their conduct! It is an impudent avowal of political profligacy! as if that species of treachery were less infamous than any other. It is not only a degradation of a station which ought to be occupied only by the highest and most exemplary honour, but forfeits their claim to the characters of gentlemen, and reduces them to a level with the meanest and the basest of the species: it insults the noble, the ancient and the characteristic independence of the English Peerage, and is calculated to traduce and vilify the British legislature in the eyes of all Europe and to the latest posterity. By what magic nobility can thus charm vice into virtue I know not nor wish to know; but in any other thing than politics, and among any other men than Lords of the Bedchamber, such an instance of the grossest perfidy would, as it well deserved, be branded with infamy and execration.

Is there any thing then more plain and obvious, than that this great, this important, this urgent measure, is become the handle of a desperate faction, whose principal object is power and place? It is the victim not of open and fair reasoning, but of that influence which shuns the light and shrinks from discussion; for those who pledged their honour in its support, from an acknowledged conviction of its rectitude, its propriety and utility, have broken that faith, and relinquished their own judgments, in consequence of a rumour that such a conduct would be personally resented by the Sovereign. What bill, in the history of Parliament or this country, was ever so traduced,

so foully misrepresented and betrayed in its passage through the different branches of the legislature? The stroke which must decide the contest, cannot come from its real enemies but its false friends; and its fate, without example in the annals of this House, will be handed down to the remotest posterity, not as a trophy of victory but a badge of treachery.

Here the honourable gentleman, with his usual liberality, upbraids me with monopolizing, not only all the influence of the crown, the patronage of India, and the principles of whiggism, but the whole of the Royal confidence: but all such round, unqualified and unfounded imputations must be contemptible, because not true; and the bitterest enemy, not lost to every sense of manliness, would scorn to become an accuser on grounds so palpably false. It is indeed, as it has always been, my only ambition to act such a part in my public and political conduct, as shall eventually give the lie to every species of suspicion which those who oppose me seem so anxious to create and circulate: and, if to compass that by every possible exertion from which no man in the sound exercise of his understanding can honestly dissent, be a crime, I plead guilty to the charge. This I am not ashamed to avow the predominating passion of my life; and I will cherish it, in spite of calumny, declamation, and intrigue, at the risque of all I value most in the world.

But, in this monopoly of influence, the Lords of his Majesty's Bedchamber ought at least, for the sake of decency, to have been excepted. These, we all know, are constantly at the back of whoever is Minister of the day. How often have they not been stigmatized with the name of the household troops, who, like the Prætorian bands of ancient Rome, are always prepared for the ready execution of every secret mandate! I remember a saying of an able statesman, whom, though I differed with in many things, I have always acknowledged possessed of many eminent and useful qualities. The sentence I allude to I have always admired for its boldness and propriety. It was uttered by the late George Grenville in experiencing a similar treachery — and would to God the same independent and manly sentiments had been inherited by all who bear the name — “I will never again,” said he, “be at the head of a string of Janissaries, who are always ready to strangle or dispatch me on the least signal.”

K k k 2

Where

Where is that undue, that unconstitutional influence, with which the honourable gentleman upbraids me and those with whom I act? Are our measures supported by any other means than Ministers have usually employed? In what, then, am I the champion of influence? Of the influence of sound and substantial policy, of open, minute and laborious discussion, of the most respectable Whig interest in the kingdom, of an honourable majority in this House, of public confidence and public responsibility, I am proud to avail myself, and happy to think no man can bar my claim. But every sort of influence unknown to the constitution, as base in itself as it is treacherous in its consequences, which is always successful because incapable of opposition, nor ever successful but when exerted in the dark, which, like every other monster of factious breed, never stalks abroad but in the absence of public principle, never assumes any other shape than a whisper, and never frequents any more public place of resort than the back stairs or closet at St. James's, — all this secret, intriguing and underhand influence, I am willing and ready to forego: I will not even be the Minister of a great and free people on any condition derogatory to my honour and independence as a private gentleman. Let those who have no other object than place, have it and hold it by the only tenure worthy of their acceptance, — secret influence: — but without the confidence of this House as well as that of the Sovereign, however necessary to my circumstances and desirable to my friends, the dignity and emoluments of office shall never be mine.

Is it then to the India bill I am indebted for this new appellation? Is there a single argument on this topic which has not been thoroughly and repeatedly discussed? But the honourable gentleman has two strings to his bow: if he cannot blow me with the people, by demonstrating how this measure increases the influence of the Crown, he will try what he can do with the Crown, by exhibiting it as generating an independence or aristocracy for the Minister. His own popularity may go a great way in accomplishing the one, and secret influence will always be adequate to the other; and by an incessant clamour against the whole of the business, fomented and propagated at the instance of a mean and interested faction, it is not unlikely he may succeed in both. But I must beg gentlemen to consider, that this measure, which owes all its imperfections and obnoxious

noxious qualities — not to the original text — but to the notes and commentaries of its numerous editors and interpreters, is intended merely as an experiment, subject to the cognizance and controul of the Legislature. Is there any thing here independent of the three Estates in Parliament assembled? You say it is an executive power for which the constitution affords no prescription. But are you aware to what extent this argument goes? It deprives you, at one stroke, of all the manifold advantages which result from every possible modification of colonization. What system of government can be applied to any foreign settlement or territory whatever, which is not proscribed by the same reasoning? And, if this literal adherence to the form, in contradiction to the spirit of the Constitution is to be adopted, without regard to the many vast commercial interests, which produce the most fertile resources and form no inconsiderable share of our national strength and distinction, we shall soon be circumscribed within our original boundaries, and be accounted as little among the nations as ever we were great.

Conclusions, however, on such speculative theories as these are as idle as unsatisfactory. We never can forget that something must be done. I deny that any thing has yet been offered or tried, more congenial to the Constitution, more adequate to the object, or more advantageous to the community at large than the bill in question. I am perfectly aware of whatever has been or can be alledged on the subject; but, abstracted from the scramble of interest and the pitiful bugbears of design, not one solid objection on the point of influence has yet been advanced. The novelty of the system is quite as good a foundation for predicting the best as the worst consequences. It is rare that men are thus prone to misconstrue the plainest propositions without some latent purpose; and we have the same right to comment on the motives on which the measure is opposed, as you have for reprobating those in which it originated.

Even supposing the rumours on which the resolution was proposed were true, it is alledged that a noble Duke in the other House counteracted the effect of one influence by another. It had been whispered that his Majesty had authorised his name to be used with a certain view: his Grace, as the only expedient left for preserving the minds of their Lordships unbiassed, and the personal honour of his Sovereign unspotted, gave a negative to the fact. A tale was
propa-

the knowledge of the world, or the amiable decencies of a sound mind, may follow the headlong course of ambition thus precipitantly, and vault into the seat while the reins of government are placed in other hands: but the Minister who can bear to act such a dishonourable part, and the country that suffers it, will be mutual plagues and curses to each other.

Thus awkwardly circumstanced, the best on earth could accomplish nothing, nor on any occasion however pressing and momentous, exert the faculties of government with spirit or effect. It is not in the human mind to put forth the least vigour under the impression of uncertainty. While all my best meant and best concerted plans are still under the controul of a villainous whisper, and the most valuable consequences, which I flattered myself must have resulted from my honest and indefatigable industry, are thus defeated by secret influence, it is impossible to govern longer either with honour to myself or success to the public. The moment I bring forward a measure adequate to the exigence of the state, and stake my hopes and reputation, or indeed whatever is most dear and interesting in life, on its merit and utility, instead of enjoying the triumphs of having acted fairly and unequivocally, all my labours, all my vigilance, all my expectations, so natural to every generous and manly exertion, are not only vilely frittered, but insidiously and at once whispered away by rumours, which, whether founded or not, are capable of doing irreparable mischief, and have their full effect before it is possible to contradict or disprove them.

So much has been said about the captivity of the Throne, while his Majesty acts only in concert with his Ministers, that one would imagine the spirit and soul of the British Constitution were yet unknown in this House. It is wisely established as a fundamental maxim, that the King can do no wrong; that whatever blunders or even crimes may be chargeable on the executive power, the Crown is still faultless. But how? Not by suffering tyranny and oppression in a free government to pass with impunity; certainly not: but the Minister who advises or executes an unconstitutional measure, does it at his peril; and he ought to know, that Englishmen are not only jealous of their rights, but legally possessed of powers, competent on every such emergency to redress their wrongs. What is the distinction between an absolute and a limited monarchy? but
that

that the Sovereign, in the one, is a despot and may do what he pleases, but in the other, is himself subjected to the laws, and consequently not at liberty to advise with any one on public affairs not responsible for that advice; and the Constitution has clearly directed his negative to operate under the same wise restrictions. These prerogatives are by no means vested in the Crown to be exerted in a wanton and arbitrary manner. The good of the whole is the exclusive object to which all the branches of the Legislature and their different powers invariably point. Whoever interferes with this primary and supreme direction, must, in the highest degree, be unconstitutional. Should, therefore, his Majesty be disposed to check the progress of the Legislature in accomplishing any measure of importance, either by giving countenance to an ividious whisper, or the exertion of his negative, without at the same time consulting the safety of his Ministers, here would be an instance of mal-administration, for which, on that supposition, the Constitution hath provided no remedy. And God forbid that ever the constitution of this country should be found defective in a point so material and indispensable to public welfare!

It is a public and crying grievance that we are not the first who have felt this secret influence. It seems to be a habit against which no change of men or measures can operate with success. It has overturned a more able and popular Minister (Lord Chatham) than the present, and bribed him with a peerage, for which his best friends never cordially forgave him. The scenes, the times, the politics and the system of the court, may shift with the party that predominates, but this dark mysterious engine is not only formed to control every Ministry, but to enslave the Constitution. To this infernal spirit of intrigue we owe that incessant fluctuation in his Majesty's Councils, by which the spirit of Government is so much relaxed, and all its minutest objects so fatally deranged. During the strange and ridiculous interregnum of last year, I had not a doubt in my own mind with whom it originated; and I looked to an honourable gentleman (Charles Jenkinson) opposite to me, the moment the grounds of objection to the East-India bill were stated. The same illiberal and plodding cabal who then invested the Throne, and darkened the Royal mind with ignorance and misconception, have once more been employed to act the same part. But how will the genius of Englishmen brook the insult? Is this enlightened and free country, which has so often and successfully struggled against every species of

undue influence, to revert to those Gothic ages, when Princes were tyrants, Ministers minions, and Government intriguing? Much and gloriously did this House fight and overcome the influence of the Crown by purging itself of ministerial dependents: but what was the Contractors bill, the Board of Trade, or a vote of the revenue officers, compared to a power equal to one-third of the Legislature, unanswerable for, and unlimited in its acting? Against these we had always to contend; but we knew their strength, we saw their disposition, they fought under no covert, they were a powerful, not a sudden enemy. To compromise the matter, therefore, Sir, it would become this House to say, rather than yield to a stretch of prerogative thus unprecedented and alarming, withdraw your secret influence, and, whatever entrenchments have been made on the Crown, we are ready to repair: take back those numerous and tried dependents who so often secured you a majority in Parliament; we submit to all the mischief which even this accession of strength is likely to produce; but for God's sake strangle us not in the very moment we look for success and triumph by an infamous string of bedchamber janissaries!

The honourable gentleman has told us with his usual consequence and triumph, that our duty, circumstanced as we are, can be attended with no difficulty whatever: the moment the Sovereign withdraws his confidence, it becomes us to retire. I will answer him in my turn, that the whole system in this dishonourable business may easily be traced. Aware of that glorious and independent majority which added so much dignity and support to the measure which appears thus formidable to secret influence, they find all their efforts to oppose it here abortive: the private cabal is consequently convened, and an invasion of the Throne, as most susceptible of their operations, proposed. It was natural to expect that I, for one, would not be backward to spurn at such an interference. This circumstance affords all the advantage they wished. I could not be easy in my situation under the discovery of such an insult; and this critical moment is eagerly embraced to goad me from office, to upbraid me with the meanness of not taking the hint, to remind me in public of the fate which I owe to secret advice. When that hour comes, and it may not be very distant, that shall dismiss me from the service of the public; the honourable gentleman's example of lingering in office after the voice of the nation was that he should quit it, shall not be mine. I did not come in by the fiat of Majesty, though

though by this fiat I am not unwilling to go out: I ever stood, and wish only and always to stand on public ground: I have too much pride ever to owe any thing to secret influence; I trust in God this country has too much spirit not to spurn and punish the Minister that does. I arrogate no pomp, however, from the formality of resignation. My noble friend, I hope, thinks with me, that the present is one of those singular junctures when it is necessary to act with caution as well as spirit. We are certainly agreed not to retain our places any longer than we can maintain the dignity of Government with responsibility and effect; and to the constitutional mandate of dismissal, we are prepared to bow with humility and obedience. We have been repeatedly reminded of our disagreeable situation; but the chief fact to which we owe this inconveniency was only not foreseen, from an idle opinion that no man could be base and servile enough to undertake it. But now our eyes are open to transactions, of which ocular demonstration only could have convinced us. We only beg when the revolution, which it is supposed may be effected in the Royal breast, is authentically announced, we may be allowed to judge for ourselves. I will apprise gentlemen, however, that the situation of Ministers is at present extremely delicate. They stand pledged to the public and a very honourable majority of this House, not to relinquish the affairs of the State while in so much anarchy and distraction. And what Ministry could wish for a stronger, or more desirable foundation than such a majority as have constantly voted with us? For my own part, I ever thought public confidence the only stable and substantial basis of a sound Administration. The people of England have made me what I am; it was at their instance I have been called to a station in their service; and, perhaps, it would not be treating them well, hastily to abandon the post to which they have generously raised me. The whole of that respectable arrangement in which I am but an individual, are, in my opinion, bound in honour to do something at least for thirty millions of innocent people, whose expectations have been raised and flattered by our exertions; who have long struggled under every oppression and grappled with their fate in vain; whose wretched and deplorable circumstances affect the British character in every corner of the world with infamy and horror; and who, at this moment, in spite of every exertion both of the Legislature and Court of Directors, groan under the scourge, the extortion, and the massacre,

sacre, of a cruel and desperate man, whom, in my conscience and from my heart, I detest and execrate!

It is impossible to overlook, or not to be surprised at the extreme eagerness of the honourable gentleman about our places, when twenty-four hours, at most, would give him full satisfaction. Is it that some new information may be requisite to finish a system thus honourably begun? or is the honourable gentleman's youth the only account which can be given of that strange precipitancy and anxiety which he betrays on this occasion? It is, in my opinion, the best apology which can be urged in his behalf. Generosity and unsuspecting confidence are the usual disposition of this tender period. The friends of the honourable gentleman, I doubt not, will soon teach him experience and caution; and, when once he has known them as long, received as many of their promises, and seen their principles as much tried as I have done, he may not, perhaps, be quite so prodigal of his credulity as he now is. Is he apprised of the lengths these men would go to serve their own selfish and private views? that their public spirit is all profession and hypocrisy? and that the only tie which unites and keeps them together is, that they are known only to each other, and that the moment of their discord, puts a period to their strength and consequence?

If, however, a change must take place, and a new Ministry is to be formed and supported, not by the confidence of this House or the public, but the sole authority of the Crown, I, for one, shall not envy that honourable gentleman his situation. From that moment I put in my claim for a monopoly of whig-principles. The glorious cause of freedom, of independence and of the constitution, is no longer his, but mine. In this I have lived; in this will I die. It has borne me up under every aspersions to which my character has been subjected. The resentments of the mean and the aversion of the great, the rancour of the vindictive and the subtilty of the base, the dereliction of friends and the efforts of enemies, have not, all, diverted me from that line of conduct which has always struck me as the best. In the ardour of debate, I may have been, like all other men, betrayed into expressions capable of misrepresentation; but the open and broad path of the constitution has uniformly been mine. I never was the tool of any junto. I accepted of office at the obvious inclination of this House: I shall not hold it a moment after the least hint from them to resume a private station.

The

The honourable gentleman is, however, grasping at place on very different grounds. He is not called to it by a majority of this House; but, in defiance of that majority, stands forth the advocate and candidate for secret influence. How will he reconcile a conduct thus preposterous to the Constitution, with those principles for which he has pledged himself to the people of England? By what motives can he be thus blind to a system, which so flatly and explicitly gives the lye to all his former professions? Will secret influence conciliate that confidence to which his talents, connections and principles, entitled him; but which the aspect under which he must now appear to an indignant and insulted public effectually bars his claim? Will secret influence unite this House in the adoption of measures which are not his own and to which he only gives the sanction of his name to save them from contempt? Will secret influence draw along with it that affection and cordiality from all ranks, without which the movements of Government must be absolutely at a stand? Or is he weak and violent enough to imagine, that his Majesty's mere nomination will singly weigh against the constitutional influence of all these considerations? For my own part, it has been always my opinion, that this country can labour under no greater misfortune than a Ministry without strength and stability. The tone of Government will never recover, so as either to establish domestic harmony or foreign respect, without a permanent Administration; and whoever knows any thing of the Constitution, and the present state of parties among us, must be sensible, that this great blessing is only and substantially to be obtained and realized in connection with public confidence. It is undoubtedly the prerogative of the Sovereign to chuse his own servants; but the Constitution provides that these servants be not obnoxious to his subjects by rendering all their exertions, thus circumstanced, abortive and impracticable. The honourable gentleman had, therefore, better consider how much he risks by joining an arrangement thus hostile to the interests of the people; that they will never consent to be governed by secret influence, and that all the weight of his private character, all his eloquence and popularity, will never render the midnight and despotic mandates of an interior cabinet acceptable or operative with Englishmen.

When I say in what manner, and to what ends, the wisdom and experience of our ancestors have thus directed the exercise of all the Royal prerogatives, let me not be understood

derstood as meaning, in any degree, to detract from those dutiful regards, which all of us owe as good citizens and loyal subjects to the amiable Prince who at present fills the British throne. No man venerates him more than I do, for his personal and domestic virtues. I love him as I love the Constitution, for the glorious and successful efforts of his illustrious ancestors in giving it form and permanency. The celebrated patriotism of these great and good men must endear, to every lover of his country, their latest posterity and most distant connections; and his Britannic Majesty can never lose the esteem of his people, while they remember with gratitude, the many obligations which they owe to his royal and illustrious family. The present generation regard him for the virtuous and amiable example he exhibits, as well as for the elevated situation he occupies in the State; and their successors will long and sincerely adore him for his progeny. Nor can I wish him a greater blessing, than that he may reign in the hearts of his subjects, and that their confidence in his government may be as hearty and sincere as their affection for his person!

Mr. Jenkinson.

Mr. *Jenkinson* thought himself personally called upon by the right honourable gentleman: he averred that he had never given any advice unbecoming his duty and character as a member of his Majesty's most honourable Privy Council. He begged that gentlemen would recollect, that when he avowed his being present with the King in March last, it was when no Ministry existed. The motion he thought very improper, and big with the worst consequences. He should certainly vote for the order of the day.

Lord Mulgrave

Lord *Mulgrave* was surprised that Mr. Fox should be so vehement against influence, when influence was the sole aim of his Administration. He conceived him to be the most dangerous character that had for a long time appeared in this country.

Mr. Martin spoke with his usual sarcastic point against the Coalition.

Sir Herbert Mackworth.

Sir *Herbert Mackworth* reprobated the motion, as calculated to hold out a menace to the other House. No man hated influence or cabal more than he did, but for this reason he must vote against the motion.

Mr. T. Pitt.

Mr. *T. Pitt* took up the argument as a truism, and said, that therefore it was ridiculous to enter into any discussion. The bill was a monster, and therefore he rejoiced in its fate. The present motion he considered as the last pang of a desperate party, and he should give it his hearty negative.

Mr.

Mr. *Erskine* entered warmly into the nature of the question. He reprobated the rumour, as intended to influence those in the other House who had never before deserted the Minister of the day. It was nonsense to deny the influence of such a rumour. It always had, and must from the nature of the thing have, great and substantial influence. He said there was not a man of honour in the house who would stand up and say, that such a rumour had not had an effect. At these words there was a violent cry of "take down the words," and Mr. *Erskine* gave them a fair opportunity, but which however they declined, and Mr. *Erskine* resumed his argument, which was short and pointed, and was forcibly urged.

Mr. *Arden* replied to Mr. *Erskine*. He was not displeased with Mr. Secretary Fox's eulogium on the Royal Family. He could not help observing, however, that his attachment to the person of Majesty was all from veneration for his ancestors, and the love of his posterity. He said a few more things on the same side of the question.

Mr. *Grenville* said, that having taken down the words as delivered by Mr. Fox, as being the words made use of by a noble person, his near relation, and which had been made so much the subject of debate, he had shewn them to his noble relation, and he was fully authorised to say, that the noble person had never made use of these words.

Mr. Secretary Fox said, the honourable gentleman, if he had authority to prove no more than this, had authority to prove nothing. These were not the precise words — then what were the precise words? Would the honourable gentleman, or any other person, standing up to answer for the noble Earl, say, that he had not made use of some words to the same effect as those which he had mentioned, viz. words calculated to influence the minds of men by the use of the Royal name? If the honourable gentleman was not authorised to say this, he in fact gave testimony to the truth of the rumour, instead of giving any contradiction to it.

The House divided on the question—Ayes, 153; Noes, 80.

Mr. *Baker* then moved the following resolution: "That this House will, upon Monday morning next, resolve itself into a Committee of the whole House, to consider of the state of the nation;" which was carried.

Mr. *Erskine* then called the attention of the House to a motion which he, and he trusted the House would conceive to be necessary, as an immediate follower of that which had been

been carried by a majority of almost two to one. Measures must be immediately taken with regard to India. The fate of India was at stake and there must not be an instant of delay. From what they had seen of the violent lengths to which secret influence had been carried, they ought to be on their guard; they ought to take measures against the possibility of an event which had been threatened, by which another stop might be put to their deliberations on this great object. Even the Parliament might be dissolved, a measure of such violence and despair, as perhaps it would be unnecessary for them to deprecate, since the feelings of the nation would revolt at a step which might terminate in the total separation of this country from her territories in the East. After a good deal of argument, delivered with much energy, he moved, "That it is necessary to the most essential interests of this kingdom and peculiarly incumbent on this House, to pursue with unremitting attention the consideration of a suitable remedy for the abuses which have prevailed in the government of the British dominions in the East Indies; and that this House will consider as an enemy to this country, any person who shall presume to advise his Majesty to prevent, or in any manner interrupt the discharge of this important duty."

This motion produced another debate, from which strangers were excluded, as the House expected another division. We learned from friends in the House, that Sir Harry Houghton, though he conceived that the dissolution of Parliament would be, in the present circumstances of the country, a most unwise, hasty and violent measure, and such as no man would be justifiable in advising, yet as it was the clear and unquestioned prerogative of the Crown, he would not have that House to allude to it in the most transient manner. The motion indeed did not mention that prerogative, but as that was the object clearly in view, he wished the latter part of the motion to be totally left out, and he moved an amendment to that effect.

Mr. Gascoyne, jun. supported Mr. Erskine's motion with very strong argument.

Mr. H.
Dundas.

Mr. *H. Dundas* spoke for the amendment, and entered at some length into an examination of the measures by which Ministers were now striving to maintain themselves in power.

Ld. North.

Lord *North* answered him, and declared that they would never descend to the meanness of keeping their places by measures of artifice and expedient. When they lost the countenance of Parliament, they would retire as they ought, without

out hovering about the gates of the Palace, seeking, by the sinister arts of office, to withstand the voice of the nation. He spoke most powerfully for the original motion.

Mr. Arden concluded the debate, and reprobated the motion in the severest terms.

The House then divided on the amendment — Noes, 147; Ayes, 73. Majority against the amendment, 74.

The original motion was then agreed to.

December 18.

The House having resolved itself into a Committee, in order to consider the bill for regulating the conveyance of letters and packets betwixt Great Britain and Ireland,

Earl *Nugent* objected to the bill, because it seemed to put Earl Nugent Ireland on a footing with foreign nations, which have no sort of connection with this country.

Lord *North* said, that ever since the British Parliament had passed that act, by which it was determined, that Ireland should be governed by no laws but those that were made by the King and the Irish Parliament, the regulation of the Irish Post Office had been a subject of complaint. The Irish had felt uneasy under laws, which they did not approve, and which they thought they had a right to alter. It was from such motives as those that the present bill had been framed, and not with a view to make the two countries appear in any new light with regard to each other. It was very certain that the two countries were become as foreign nations in point of political power; but his Lordship hoped that there should arise no difference in that affection and attachment which had hitherto subsisted between them: he hoped that Ireland would always continue a faithful friend to this country; and that this country would ever be watchful and tender of the interests of Ireland.

Lord *Newhaven* wished to see all letters going from Britain to members of the Irish Parliament, and all letters from Ireland to members of the English Parliament, exempt from postage. Lord Newhaven.

Lord *North* could not adopt the wish of the noble Lord who had just spoke. He by no means thought the revenue could admit of such a concession. It was true that the Irish Post Office never was a very profitable one to Britain; the Irish always considering the money they laid out in postage as an English tax, were willing to make it produce as little as possible; it seldom produced a sum that much exceeded 8000*l.* per annum. It was his Lordship's wish, that all pub-

lic institutions should be so managed as to produce less or more to the revenue. And he was of opinion, that if franking were to be allowed between the two islands, that the revenue would be diminished by the communications between them. The British Post Office, he said, bore all the burden of carrying, and it was not unreasonable that it should derive some profit. The bill had therefore stated, that the emolument of all letters, packets, &c. passing between the two countries, should be paid into the British Treasury: and he desired that the whole of that emolument might not be considered as arising to Great Britain without any consideration to Ireland; for Ireland was to receive a compensation of 4000l. per annum, until it should be able to set up packets of its own. And with regard to the postage of letters, gentlemen should consider, that the whole carriage of them, as far as Dublin, was performed by Great Britain. His Lordship observed, that several gentlemen in Ireland had been consulted, and did not at all disapprove of the bill. The disusing of franks between Britain and Ireland was computed at 6000l.

Lord Sheffield.

Lord *Sheffield* objected to members of Parliament giving up the privilege of franking: he said, the privileges they had were so few, that he did not wish to see them diminished.

Lord North and Lord Newhaven said a few things more, when the bill stood without any alteration.

December 19.

Mr. Arden.

Mr. *Arden* moved that the Speaker issue his warrant to the Clerk of the Crown, and direct that a new writ for Appleby be made out, to elect a representative in Parliament in the room of the right honourable William Pitt, who, since his election, had accepted the places of First Commissioner of his Majesty's Board of Treasury, and Chancellor and Under Treasurer of his Majesty's Exchequer.

Mr. Fox.

Mr. *Fox* rose, and said, he thought it fair to state, that very important public business would be brought on in that House, and that he should have wished not to have agitated it in the absence of the right honourable gentleman, who was gone to his re-election; but as from its nature it would not admit of the courtesy of waiting till after the right honourable gentleman's re-election, it must necessarily come under discussion in his absence*.

Mr.

* At twelve o'clock on Thursday night the 18th inst. a special messenger delivered to the two right honourable Secretaries of State, a message

Mr. Baker and Mr. H. Dundas rose together, or at least nearly together; there was for some time great noise and confusion in the House, the friends of each calling out at

a message from his Majesty, intimating that he had no farther occasion for their services, and desiring them to render up the seals of their offices; — at the same time mentioning, that it was the Royal pleasure that they should be delivered to him by the Under Secretaries, as a personal interview would be disagreeable. They were immediately carried to the Queen's House by Mr. Nepean and Mr. Frazer, the principal Secretaries in the several offices. A similar message was sent to the Commissioners of the Great Seal. Early the next morning letters of dismissal signed "Temple," were sent to the other Members of the Cabinet. In consequence of this, there was the most general resignation of offices ever remembered, and the new Ministers were considerably embarrassed in making up their arrangement. Earl Temple, who was appointed Secretary of State for the Home department, resigned two days after — At length the following arrangement was completed :

Mr. William Pitt, First Lord of the Treasury, and Chancellor of the Exchequer.

The Marquis of Caermarthen, Secretary of State for the Foreign department.

Lord Sidney, Secretary for the Home department.

Earl Gower, Lord President.

Duke of Rutland, Lord Privy Seal.

Lord Howe, First Lord of the Admiralty; and

Lord Thurlow, Lord Chancellor.

The above persons form the Cabinet.

Duke of Richmond, Master General of the Ordnance.

Sir George Howard, K. B. Commander in Chief of the forces,

The Marquis of Graham,

John Buller, Esq,

Ed. James Elliott, Esq,

John Aubrey, Esq.

} Lords of the Treasury.

Lord Hood,

Hon. Levison Gower,

Lord Apsley,

Hon. C. G. Percival,

Charles Brett, Esq.

Hon. J. J. Pratt,

} Lords of the Admiralty.

Lloyd Kenyon, Esq. Attorney General,

Richard Pepper Arden, Esq. Solicitor General,

The Earl of Salisbury, Lord Chamberlain of the Household.

Duke of Chandos, Lord Steward of the Household.

at once that their friend should be heard: but if the cry from the Treasury Bench side of the House was strong, that from the new Opposition side was still stronger. The Speaker at length declared that Mr. Baker had met his eye first; and after some altercation on the point of order, Mr. Dundas gave up the point.

Mr. Baker Mr. *Baker* said it was not because he had a better claim to the attention of the House than the learned gentleman, that he wished to be heard before him; he did not mean to make any preface to his motion, which was far from being an extraordinary one; on the contrary, it was the ordinary motion that was regularly made almost every Friday in the session; without any apology therefore for it, he moved, "that this House will, at its rising, adjourn to Monday next."

Mr. Dundas Mr. *Dundas* then informed the House, that the motion he intended to have made was, that they should adjourn only till to-morrow; and his reason for this was, that the Land-tax bill, which had this day been reported, stood for the third reading; and it was of the utmost consequence to the nation that it should pass with all imaginable speed. Every one knew that the 5th of January would be a day that great payments must be made; and how could they be made, unless the bill by which the money was to be raised should pass before that day? Did gentlemen wish to strike at the very root of public credit? They could not surely desire that the creditors of the public should be disappointed in the payment of the interest due to them for the money ad-

Lord De Ferrars, Captain of the band of Gentlemen Pensioners.

Lord Mulgrave and the Right Hon. William Wyndham Grenville,
Joint Paymasters of the Forces.

Henry Dundas, Esq. Treasurer of the Navy.

Sir George Yonge, Bart. Secretary at War.

Gibbs Crawford, Esq. Clerk of the Ordnance.

John Aldridge, Esq. Keeper of the Ordnance.

Thomas Baillic, Esq. Clerk of the Deliveries of the Ordnance.

Lord Grantley, Chancellor of the Duchy of Lancaster.

Earl Bathurst, Ranger of St. James's and the Green Parks.

Duke of Dorset, Ambassador at the Court of France.

Daniel Hailes, Esq. Secretary to the French Embassy.

G. A. Selwyn, Esq. Surveyor of Crown Lands.

Samuel Estwick, Esq. Secretary and Register of Chelsea Hospital.

Mr. Rose, } Secretaries of the Treasury.
Mr. Steele, }

vanced

vanced by them to the public. He hoped, therefore, they would agree with him in thinking that the House ought to meet the next day for the purpose of passing the Land-tax bill, and sending it to the Lords time enough to be passed into a law before the 5th of next month. To stop the bill now would be like recurring to former times, when supplies were withheld till grievances were redressed. He would move therefore an amendment, to leave out the words "Monday next," for the purpose of inserting the words "to-morrow," and adding these, "for the purpose of reading the Land-tax bill the third time, if it should be then found engrossed."

He accordingly moved this amendment.

Mr. Fox said that no man could be more anxious than he Mr. Fox. was to support the credit of the nation, and consequently to provide for the payments which would become due to the public on the 5th of January: and if the adjourning to Monday could have such an effect as to prevent the passing of the bill before the 5th of next month, and leaving the Exchequer empty, his honourable friend would be the last man to make the motion then before the House; and he was sure there was not a man then within hearing, could be so absurd or so wicked as to give it countenance: but when gentlemen would recollect, that the bill had only one stage more to pass through in that House, and that this was only the 19th of December, they must laugh at the idea that delaying the third reading till Monday, would prevent its passing till the 5th of next month. Indeed it might be attended with one inconvenience, which however was not a mighty one; it was merely this, that the Lords might possibly be kept two or three days longer from their country seats and their pleasures. But gentlemen would think it much better at this moment, when such calamities were hanging over the country; when, by a rash, inconsiderate, and dangerous measure, the Parliament was brought, if report was to be credited, to nearly the eve of a dissolution, gentlemen, he said, would think it much better to subject the House to that inconvenience, than to leave their country exposed to the dreadful calamities that a dissolution would draw down upon the nation. He confessed he was struck with astonishment, that there could be found in the kingdom a subject daring enough to advise his Sovereign to so desperate a measure. He meant not to question the prerogative of the Crown in dissolving Parliaments; but
no

no one would, on the other hand, question the undoubted right of that House to call Ministers to account for any wanton or imprudent exercise of that prerogative. No one would say that such a prerogative ought to be exercised merely to suit the convenience of an ambitious young man: and he there in the face of the House declared, that if a dissolution should take place, and that very solid, substantial, and satisfactory reasons were not assigned for it, he would, if he should have the honour of a seat in the next Parliament, move a very serious enquiry into that business, and bring the advisers of it to account. At present it would render gentlemen in some degree accomplices in the guilt of a dissolution without cause, to suffer the Land-tax bill to go out of their hands, until they should have taken such measures as would guard against the evils which might be expected from a dissolution.

Lord Mulgrave.

Lord *Mulgrave* supported the amendment. He wondered that gentlemen could think of acting in so unusual a manner; if they would be thought to mean well to this country, they would not surely oppose a motion which had for its object the public good, the support of public faith, and of public credit. He rejoiced that a faction, which had too long governed the state, was now driven from the helm. [At the word faction there was a laugh.] Lord *Mulgrave* seeing the members on the opposite side of the house laugh so heartily, observed, that they were very merry upon their misfortune: he rejoiced, however, that their power was no more: he did not mean to say that he rejoiced to see his noble friend in the blue ribband out of place; he respected his character; he knew his integrity and abilities too well, not to wish that he were still in office; he lamented only that he saw him in such bad company. He hoped his noble friend would not act so unusual a part as to enter upon any business in the absence of the Minister, who was gone to his election; such a thing was without a precedent, and he hoped the noble Lord would not countenance such an attempt; the constitution gave the King an undoubted right to call and dissolve Parliaments; and the measures that gentlemen wished now to pursue might fairly be construed to be a direct attack upon that prerogative.

Ld. North.

Lord *North* assured his noble friend, that he would be very unwilling to do any thing unusual in Parliament; and if his noble friend would only consider for a moment, he would see that the learned gentleman and himself, who supported the amendment, were those who wanted the House to do an unusual thing. The usual adjournment from Friday was to Monday:

Monday; the amendment proposed that the House should meet on Saturday, a thing that was extremely unusual indeed, and therefore he hoped his noble friend would not impute to him, or to the motion he supported, any intention or tendency to introduce an unusual custom into the House. His noble friend was surprised that gentlemen should wish to proceed to any business while the Minister was absent on his election; but did the noble Lord seriously think that if they were to sit there doing nothing until the Minister should be re-elected, that they had any chance of ever seeing him again in the same House of Commons? For his own part, he had no such thought; and though a new writ had been moved for Appleby, in the room of the new Minister, he was not to be deceived by such a device; and he believed there was not a man in the House who was not sure that a dissolution was at hand. His noble friend was surprised to find gentlemen so merry on this side of the house; he made no doubt but he was; for unquestionably it was a very new circumstance, that men who had been dismissed from office should be so merry; no doubt they had their reasons for being so: for his part, he was greatly mortified at finding them so merry; [a loud laugh from his friends] he was mortified at being sent again to an election: constituents in general would, no doubt, be offended that they should be merry after having been dismissed for having risked situation, influence, emolument, and patronage, for the public good. As to the Land-tax bill, no one could seriously think that delaying the third reading till Monday would endanger its passing before the 5th of next month: those who started such an idea, knew very well that there was no danger: that the public credit made it necessary it should pass before that day; they knew it must and would.

Mr. *Martin* said the delay was shameful; that public creditors would have a right to call upon the noble Lord on the 5th of January for the payment of his debts, contracted in consequence of his American war; he was glad that he was no longer in office; and if those who were to succeed him would not call him to an account, and bring him to justice, they should not have his support. Mr. Martin.

Mr. *George Onslow* spoke to order, and in the most vehement manner declared it was a violation of order in any man to hold such language as that honourable member had then, and on many former occasions, held, relative to the noble Lord; it was disorderly, unjust, and unconstitutional, to pronounce any man to be criminal before trial and conviction. Mr. George Onslow.

tion. He called upon the honourable member, therefore, either never to use such language again, or to bring his charge fairly against the noble Lord.

Mr. Kenyon Mr. *Kenyon* supported the amendment. He said he was not in the secrets of those who were just gone out, or of those who were coming in, and therefore he did not know what measures were likely to be adopted: he did not know whether the Parliament would be dissolved or not; and if it should, he did not know that he should have a seat in the next House of Commons, nor indeed did he wish it; but let what would happen on that head, he would vote for the amendment; because he was sure that if the bill should not pass before the 5th of January, the most alarming and fatal consequences would ensue; and therefore he was astonished that the noble Lord, who had been so instrumental in creating the public debts, should oppose the passing of a bill that was to provide for the interest of them. The noble Lord had asked if the Parliament was not to be dissolved? It was a very strange question to put to any member in that house: the King had the right to dissolve it, and he alone could answer that question.

Ld. North. Lord *North* explained what he said had been misstated by the learned gentleman. As to the honourable gentleman who said he would not support the new Ministers until they should bring him (Lord North) to justice, all he would say on that point was, that he was ready to meet any charge; that whenever it should be brought, he would be found able to answer it; but that if the new Ministers were not to be supported by the honourable member until he should be brought to justice by them, he feared they would for ever be deprived of that support.

Sir Grey Cooper. Sir *Grey Cooper* said, that when the learned gentleman talked about the Land-tax bill, as of that measure by which the interest on the national debt was to be paid, he certainly knew nothing of what he was about; for no Minister could apply the money arising from the Land tax to the purpose of paying the annuities, until the House should first have voted the deficiencies of taxes: it was by this vote, and not by the bill in question, that Ministers would be empowered to carry the Land tax to the Sinking Fund.

Mr. Banks. Mr. *Banks* was for the amendment. It was not for him to say whether Parliament would or would not be dissolved: but whether it was or not, it was necessary that the interest of the national debt should be provided for. To dissolve or not to dissolve was in the breast of the King; and it was no bad symptom

symptom of the justice and propriety of his Majesty's choice of Ministers, that in case of a dissolution, he made an appeal to his people, to learn from the elections whether his choice met with their approbation. These Ministers enjoyed the confidence of their Sovereign; and from such Ministers the greatest advantage might be expected by the public.

Lord *Maitland* asked the honourable gentleman if the passing of a money bill, however necessary in itself, and he was very ready to admit its necessity, was the only business for which it was necessary that House should continue sitting without intermission. Had nothing happened of late, that should make Parliament redouble its vigilance? Was the constitution in safety? Had nothing happened within these few days to alarm the nation and that House for the safety of that constitution, in which consisted the greatness and happiness of the nation? For his part, he thought that every thing that was dear to the people was at stake; and that the House ought to do every thing in its power to preserve inviolate that constitution of which they were constituted the guardians. The honourable member said, that the new Ministers possessed the confidence of their Sovereign; he supposed that this was the case; and no man ought to be a Minister who did not possess it: there was another that was no less necessary to a Minister, and that was, the confidence of the people, the confidence of Parliament.

Mr. *Adam* was glad to have an opportunity to desire those who called upon Ministers to bring the noble Lord in the blue ribband to justice, to look at him, and see how he was supported; to see how numerous were his friends; what a powerful host he had about him; and then to ask themselves if such a support from a great and independent body of men did not amount to a complete vindication of the noble Lord's character, and as glorious an acquittal as he could wish for of those charges which had so often been brought against him. Powerful by his own abilities, he was strengthened by the astonishing abilities of his late right honourable colleague; united beyond the power of any Minister to break their union; looked up to by, and possessing, as they justly did, the confidence of so great a majority of that House, they would, they must be again the rulers of that country. A dissolution in the present circumstances of public affairs would be ruinous to the country. Our situation was critical. How stood it with respect to foreign powers; with India, and he would speak out, with Ireland? In such a time, and in these circumstances, to dissolve the Parliament, would

be a measure which must appear dreadful to every thinking man. He then threw out some censures upon Lord Mulgrave, who could be a supporter of the Bill of Rights, and a member of the Constitutional Society, and yet had no objection to a seat for the borough of Huntingdon. This last part drew up Lord Mulgrave and his brother Captain Phipps, who however were prevented from proceeding, as they were both warmed, and the House feared that the conversation would run too much into personalities.

Mr. Hamet. Mr. *Hamet* said he liked those Ministers who were gone out, and those who were coming in; he was really sorry that such divisions prevailed in the House; if he might be indulged in a wish, it would be, notwithstanding all he had heard against a coalition, taking in the abilities of all parts of the House might take place; if it should, the nation would certainly have reason to rejoice.

The Earl of Surry. The Earl of *Surry* was against the amendment. He said, that if the delay till Monday could endanger the passing of the bill, he certainly would agree to sit to-morrow; but he was now satisfied, from what had fallen from an honourable Baronet, that the bill, unaccompanied by another measure, which could not take place to-morrow, would not answer the end that gentlemen expected from it; and as he thought the dissolution a most dangerous measure, he would agree to the motion for adjourning to Monday.

Mr. Wilberforce. Mr. *Wilberforce* did not think the amendment of so much consequence, as that it should be pressed upon the House; he had rather sit to-morrow; but still it did not strike him that there would be any danger to the public, if the adjournment should be made till Monday.

Sir William Do'ben. Sir *William Dolben* was inclined to agree to the amendment; but he also hoped that no dissolution would take place; he flattered himself that the usual recess would be given; and that no measure of moment would be proposed, while men's minds were in this present ferment; a few hours cool reflection might, perhaps, awaken Ministers to a sense of the dangers to which a dissolution would expose the State; and a recess would give gentlemen on the other side an opportunity to cool, before they proposed any serious measures to the House; he would rejoice indeed, if there was a prospect that the wish expressed by the honourable member relative to a general coalition, might take place.

Mr. Arden. Mr. *Arden* said, that gentlemen spoke against the dissolution of Parliament, which they wanted to prevent; why they should take it into their heads that such a measure would

would take place, it was not for him to say; but this much he would say, that to attempt to prevent it would be to oppose the just prerogative of the Crown. And what could prevent it? The resolution of that House? He must be a timid man indeed, and unfit to be the Minister of this country, who should be deterred from a dissolution by a resolution of that House upon a question of their own continuation or annihilation; for they were not to be the judges whether the dissolution, supposing it to have taken place, was or was not a wrong measure; that question was to be determined by another House of Commons; by whom it was possible the dissolution might be applauded instead of being condemned. He would admit, that it was no light matter to advise the dissolution of Parliament; but those who were to be annihilated by it, were not the most proper judges in the world of the propriety or impropriety of the measure.

Mr. Fox said he would not have risen again, if he had not been in some measure compelled to it, by a strange doctrine which he had heard advanced by the learned gentleman who just sat down, against which he would take that opportunity to enter his protest. He would barely take notice in the outset, of the indecent levity, to use no other term, with which the learned gentleman treated the votes of that House, which though he might not approve, he ought to treat with a little more respect. But what he meant chiefly to take notice of was the expression, "that he must be a timid man indeed, and unfit to be the Minister of this country, who should be deterred from a dissolution of Parliament, by a resolution of the House of Commons." He thought that the learned gentleman, who had studied the Constitution, ought to have known that the voice of the House of Commons was the voice of the people of England, at least as long as it did not appear to be contradicted by the people. There was at the learned gentleman's elbow, another learned gentleman (Mr. Dundas) who had told him, that if there were petitions on the table from every county, city, and borough in the kingdom; still it was not from these petitions; but from the House of Commons, that the sentiments of the people of England could be learned. Without going that length, he would say, that in the present case there was the strongest presumptive evidence, that the voice of that House was the voice of the people; for, notwithstanding

all that had been said against the India bill, two petitions only, one from London, the other from Chipping Wycomb, had been presented against it by the constituents of any member in that House; and from this it might fairly be inferred, that as to the passing of that bill, the people of England were with that House, and that it spoke their voice. Would the learned gentleman say, that he would be a timid Minister who should suffer himself to be deterred from dissolving Parliament by the voice of the people of England? Possibly the learned gentleman might answer in the affirmative; but he would tell him, that he must be a bold Minister indeed, who should dare to despise the voice of the people. Premature dissolutions were at all times dangerous; but at this time they were so in a more peculiar manner. How stood the country with respect to foreign powers; how stood we with our dependencies; what foreign power would treat with a Government in which there was no stability, no permanency? These frequent changes would expose us to the contempt of foreigners, render us and our Government the laughing-stock of Europe, and reduce every thing at home to a state of anarchy and confusion, that might make this country feel all the horrors of a civil war, short of bloodshed. Future governments might think themselves secure, when acting upon principle and for the good of the public, when ambitious young men might rise up, and grasping at power, plunge into the most desperate measures to obtain it. They might be assisted in this by secret influence; and if they should venture to think for themselves, and refuse to be the slaves or tools of advisers whom they did not see, the same secret influence which raised them, would as easily pull them down. An honourable member said that his Majesty would appeal to his people for the approbation of his choice of Ministers, which he was to learn from the elections: this he thought would not prove a very successful manner of getting their approbation; however, upon the popularity of that bill, which had been rejected by the Lords, he would build his hopes of success; he was determined to meet a popular election; he believed there was not a more unbiassed, independent, or numerous body of electors in the kingdom than those of the city which he had now the honour to represent, and to those electors he would again offer himself; nor was he afraid that

that in consequence of that bill he should lose their confidence.

Mr. *Arden* explained: he did not mean by what he had said to assert that the voice of the people of England ought not to deter a Minister from dissolving a Parliament, if he had good reasons for doing it; but he meant that he must be a timid Minister who would be deterred by a resolution of the House of Commons only, and this he would abide by. Mr. Arden.

Lord *John Cavendish* admitted the necessity that the deficiencies must be voted, and the bill passed before the 5th of January, still he opposed the amendment, because the adjournment to Monday could not possibly delay the voting of the deficiencies, without which the money arising from the land tax could not be applied to the payment of interest; and the sitting to-morrow could not by any means hasten the progress of the business, as no money could be voted in the first instance but in a Committee of Supply, and that Committee never sat on Saturdays. Lord John Cavendish.

The question was at last put, and the amendment was rejected. Mr. Dundas did not think proper to call for a division. The original motion was then carried without any farther debate.

At the conclusion of the above business, most of the members retired; when Mr. Lee, late Attorney General, got up and moved, "That the farther consideration of Sir Thomas Rumbold's bill of pains and penalties be deferred to the 20th of July next." This was opposed by Mr. Baker, and a division ensued, when the numbers were,

For the motion, 27 — Against it, 8. Majority 19. By which Sir Thomas Rumbold effectually defeated his persevering opponent; and what is rather singular, the Speaker, and four Tellers, added to those members who divided made no more than 40, the exact number that constitutes a House.

December 22.

Soon after the Speaker had taken the chair, Mr. *William Grenville* requested the House would for a moment favour him with their attention on a subject, which, though of a private concern to him individually, was more particularly interesting to the House. Certain reports, he said, which had been for some days in circulation, had been made the grounds Mr. Wm. Grenville.

who did not agree, that a dissolution of Parliament at this critical moment, would be attended with very dangerous consequences to the public; he therefore had reason to hope that he should not meet with any opposition from any part of the House to the motion which he was going to make. Some gentlemen had on a former day argued against the interference of that House with the exercise of the undoubted prerogative of the Crown. He was sure that the address which he intended to move would not be opposed by these gentlemen, because in the very outset it acknowledged the existence of that prerogative, and professed that nothing could be farther from the intention of the Commons than to infringe upon it. It presumed only to exercise a privilege as inherent in that House, as the prerogative of calling and dissolving Parliament was in the Crown, the privilege of approaching the Throne with their advice, and giving it in that dutiful and respectful manner which became subjects speaking to their Sovereign. The House could not forget the many important concerns which pressed upon their consideration; the state of public credit at home, no connection as yet formed with America for the great purpose of commerce; the affairs of India distracted, and the state of the Company's finances at home called for immediate relief from Parliament. These were objects which pressed themselves upon the House, and gentlemen knew that the consideration of them could not be delayed without manifest injury to the State. In such a situation of affairs, to advise a dissolution of Parliament, would in fact be to draw down destruction upon the country; for it would cause a delay of at least two months before any thing could be done, by which the great ends of supporting the credit of the public and of the Company, and of framing wise regulations for the government of the dependencies of the State, could possibly be attained. But he was wrong in saying two months, it were well if in twice two months the business could be completed; for what knowledge could a new Parliament have upon the subject of India affairs which it never considered? It could only gain a knowledge indeed from the numerous and voluminous reports that had been laid before this House; but this would necessarily create a delay, as all these reports must be read and digested before any remedy could be devised that would apply to the evils complained of. Speaking constitutionally, he was right in not supposing that a single Member of the present House
of

of Commons would be returned to the next; and in that case, the public would be deprived of the assistance of the learned gentleman over against him (Mr. Dundas) who, with many others, members of the present Parliament, had, by two years constant enquiry into the state of India, qualified themselves to speak with knowledge of the affairs of that country and to form proper regulations for the government of it. The attention of the present House of Commons had been for two years taken up with the consideration of India affairs; and therefore it would be madness indeed to prevent them from taking such steps as, from their knowledge of the subject, they should think most salutary; and to refer the whole to a new Parliament, totally uninformed, and consequently not qualified to bring the business to as speedy a conclusion as the pressing necessities of the State called for. These were reasons that struck him as perfectly well founded and conclusive against a dissolution: it would be the duty of those who should think such a measure advisable, to state the reasons that inclined them to think so. It had been suggested, that as one of the two Houses had passed the India bill, and the other had rejected it, a dissolution was the only means to which a Minister could have recourse in order to prevent a rupture between both Houses; but this was a very ill-founded reason. Who talked of a rupture between them? Did any one apprehend such an event? He could speak for himself and his friends that such an apprehension never entered their heads: they all acknowledged the independence of each of the three estates of Parliament: nothing could be farther from their minds than to dispute or even question the right of the Lords to reject any bill that they did not think proper to be passed into a law. But while he argued for the independence of the Crown, and of the House of Peers, he hoped no one would find fault with him if he should also argue for the independence of the House of Commons; and he was sure that this independence must be destroyed, if the Parliament should be dissolved merely because the Commons had passed a bill the Lords thought proper to reject. The bill which was said to be the ground of the apprehended rupture between the two Houses, had been passed in the Lower by a majority of one hundred and fourteen; and it was rejected in the Upper by a majority of only eighteen — a curious reason indeed for dissolving a Parliament, because so small a majority threw out a bill that

had been supported and carried through by so uncommonly great a majority in the House of Commons. But the India bill was made a stalking horse in this business, and was by no means the cause which induced the present advisers of the Crown to think of a dissolution; if it was, they would have countenanced those who disapproved of the measure, and voted against the bill. The late President of the Council was in this predicament; he voted against the bill, and yet he was not spared from the general ruin which overwhelmed his colleagues; for with them he was dismissed from the Cabinet, before they could have known whether he would not have supported the new with all his influence and ability. He called therefore upon those who were in the confidence of the present advisers of the Crown, to tell the Members what they were to say to their constituents when sent back to them by a dissolution. At present, if his constituents should ask him (in case the Parliament was now dissolved) why such an event had taken place, he must really be at a loss for an answer. If they should ask him, was it because the supplies had been withheld? he could with truth reply, that was not the reason; for the House of Commons had most liberally granted all the supplies that Government had called for. If they should ask him, was it because the Commons had thrown any obstacles in the way of his Majesty's executive government? He would answer that this was far from being the case, as in all their deliberations they had gone hand in hand with his Majesty's Ministers, and not negatived a single proposition which had been made to them. If they should ask, was it because they had no confidence in his Majesty's Ministers? He would answer, no; but in his opinion, because his Majesty's Ministers had no confidence in them; and therefore as they were not Ministers to suit the Parliament, they were resolved to get a Parliament that would suit the Ministers. The present House of Commons finding that a secret influence had existed, by which the free discussion of a great question had been prevented in another place, and some of the Members were influenced by a name which ought not to be mentioned in either house of Parliament for the purpose of influence, had entered into spirited resolutions in defence of the independence of Parliament; and this alone, in his opinion, was the reason which had induced the present advisers of the Crown. A noble Lord, whom some persons might have suspected of having been instru-

instrumental in making use of the name alluded to, with a view to influence the Members of another, had, as the House had been already informed, thought proper this day to resign the office he had so very lately accepted; and as that noble Lord's near relation had stated, he resigned because he had heard of rumours of which he understood some persons thought him the author: it was a little singular, that the noble Lord, who resigned this day in consequence of rumours, held them in such contempt a few nights ago that he would not even deign to contradict them. He had indeed contradicted them in an odd kind of manner, which however might with much more truth be called a confirmation of them than a contradiction; for when a right honourable Secretary of State read to the House the words of a card supposed to have been written by that noble Lord, his friends did not deny the fact altogether, but contented themselves with saying, that the noble Lord had not used these words, which was a kind of acknowledgement that he had used some words that might have conveyed nearly the same idea. Here Mr. Erskine begged leave to put a case: he supposed that a doctor should have been suspected of having poisoned a patient with *tinctura thebaica*; that a friend should wait upon him, and acquaint him that such a suspicion, so injurious to his character, was rumoured abroad; that the doctor should thank his friend for his intimation, and should say to him, "My dear friend, I assure you upon my honour, I never did poison the patient with *tinctura thebaica*." Mr. Erskine asked if such an answer as this would satisfy any man that the doctor was innocent; nay, he insisted that it would fix upon him the strongest suspicion that he had poisoned his patient with something, though that something was not *tinctura thebaica*. The noble Lord's friends in like manner, by denying that he used these words, gave room to suspect that the rumour was true in substance, though the particular words which had been read in that House might not have been the identical words used by the noble Lord. For his part, he would not say the noble Lord was guilty, for his profession as a lawyer taught him that he ought never to go so far in assertion, unless he had his proofs ready to support it; but though he could not and ought not to declare the noble Lord guilty, still he thought himself fully justified from the circumstances of the case, in thinking that there was strong grounds for suspicion; and consequently a very proper

occasion for the interference of that House, to prevent the exercise of a secret influence, which took away that responsibility which was a pledge to the public for the good conduct of those who are entrusted with the executive government of the country. But there was still another ground for the interference of that House. It had been maintained as constitutional doctrine, that a Peer, being an hereditary counsellor of the Crown, has a right at all times to advise the King; this might be true; but then the advice should be given openly, not by stealth, and be owned by the person giving it; but above all, the adviser ought not to publish among those who were to decide upon the bills, what was the opinion or pretended opinion of the Sovereign with respect to them; and as there was reason to think that this had been once done by a Peer out of office, the resignation this day of the noble Lord alluded to was no reason for resting satisfied that, because he was no longer in office, he would not avail himself of the privilege annexed to his peerage; and though not a Minister, he would not give advice as an individual Member of the Upper House. As to the right which the House of Commons enjoys in advising the Crown, he presumed there was no man would question it. The Bill of Rights declared it to be the birth-right of every subject to petition the Crown: now he would insist, that the right of petitioning necessarily included that of advising; for, according to his definition, to petition was to advise; for whenever a person sentenced to die, or any of his friends petition for a pardon, they pray the King to do something which he has a legal right to do or not to do, just as he pleases. It is a part of the King's prerogative to remit capital punishments; and if to attempt to interfere with the exercise of that prerogative were unconstitutional, then it were unconstitutional for a capital convict or his friends to petition for his life, which would be contrary to the Bill of Rights: now as such a favour as that of granting the life of a convict, can be expected only when just grounds are pointed out, the stating of these grounds or facts, which otherwise might never get to the knowledge of the King, is clearly and unquestionably a mode of advising the Sovereign to exercise such an instance of the prerogative with which he is legally vested, of pardoning criminals. But he had no occasion to argue upon the subject, in order to establish the right of that House to advise the Crown; he had no occasion to suppose

pose that when all was tranquillity abroad, but all was distraction at home, it would be proper for Parliament to interpose their advice, if they found that the Sovereign, notwithstanding the confusion at home, was going to plunge the nation into a foreign war; he had no occasion to have recourse to speculation, supposition, or theoretic reasoning, for the Journals were full of proofs that what he insisted was the right, and had constantly been the practice of that House. No man would deny that the King has a right to put a negative on any bill presented to him for his assent; and yet the Commons addressed William III. to learn from him by whose advice he had withheld the Royal assent from some bills that had been presented to him on the Throne. There were precedents of remonstrances and complaints, made to Kings of England, but the virtues of the present King would ever render it unnecessary for that House to carry complaints to the foot of the Throne; and consequently there was no danger that they should receive angry answers from it, as had been the case in former reigns. Having prefaced his motion with these arguments, Mr. Erskine then moved that the Chairman be instructed to move the House, "That an Address be presented to the King, humbly to represent to his Majesty, that his Majesty's most dutiful and loyal subjects the Commons of Great Britain, in Parliament assembled, think themselves bound in duty humbly to represent to his Majesty, that alarming reports of an intended dissolution have gone forth.

"That his Majesty's faithful Commons, acknowledging the wisdom of the Constitution in trusting to the Crown that just and legal prerogative, and fully confiding in his Majesty's Royal wisdom and paternal care of his people, for the most beneficial exercise of it, desire, with great humility, to represent to his Majesty, the inconveniencies and dangers which appear to them, from a consideration of the state of the nation likely to follow from a prorogation or dissolution of the Parliament, in the present arduous and critical conjuncture of public affairs. The maintenance of the public credit, and the support of the revenue, demand the most immediate attention. The disorders prevailing in the government of the East Indies, at home and abroad, call aloud for instant reformation; and the state of the East India Company's finances, from the pressing demands on them, require a no less immediate support and assistance from Parliament.

"That

“ That his Majesty’s faithful Commons are at present proceeding with the utmost diligence upon these great objects of government, as recommended to their attention by his gracious speech from the Throne, but which must necessarily be frustrated and disappointed by the delay attending a dissolution, and most especially the affairs of the East Indies, by the assembling a new Parliament, not prepared by previous enquiry, to enter with equal effect upon an object involving long and intricate details, which his Majesty’s faithful Commons have investigated for two years past with the most laborious, earnest, and unremitting attention.

“ That his Majesty’s faithful Commons, deeply affected by these important considerations, impressed with the highest reverence and affection for his Majesty’s person and government, and anxious to preserve the lustre and safety of his government, do humbly beseech his Majesty to suffer his faithful Commons to proceed on the business of the session, the furtherance of which is so essentially necessary to the prosperity of the public; and that his Majesty will be graciously pleased to hearken to the advice of his faithful Commons, and not to the secret advices of persons who may have private interests of their own, separate from the true interest of his Majesty and his people.”

Mr. Erskine observed, that the last paragraph in the address (which prayed his Majesty to hearken to the advice of his faithful Commons and not to that of particular individuals, who might have interests of their own and distinctly from those of his Majesty and his people) might possibly appear harsh to some gentlemen, and bear too pointed an allusion to a late transaction; but to those gentlemen who should think so, he would say, “ *Non meus est hic sermo.*” “ It was not I who drew it up; I copied it from the Journals, where I found it made part of an address presented by the then House of Commons to the King, from whom they received such an answer as became a prince, who had no other interest but that of his people; such an answer as might be expected from the patriotic virtues of his present Majesty.”

Col. Fitzpatrick.

Colonel Fitzpatrick seconded the motion. He said that a learned gentleman (Mr. Dundas) had declared, on a former occasion, that the state of the East-India Company was held out as a political bugbear to frighten people into any measure that should be proposed: bugbears could frighten only

children.

children ; and he hoped that all the new Ministers would not be so intimidated by bugbears as to throw away in a moment what they had been so anxiously looking for. A noble Lord had been very desirous to get into administration ; but bugbears of rumours, which he had affected to despise before, had made him, like a child, throw away the toy he had taken such trouble to obtain. It might perhaps be said in favour of that noble Lord, that he despised the rumours that had been spread relative to him, until he found they had been taken into consideration by the House, and made the foundation of resolutions ; that then he had retired to a private station, that his ministerial character might not be thought a means of influencing those who should institute an enquiry into the grounds of the rumours. However, dates were unfortunately against this apology for the noble Lord ; for when the resolutions were proposed in that House on Wednesday last, his friends affected to despise the rumours, as supported only by the authority of a newspaper ; and it was after the resolutions had been carried, that he accepted the office of Secretary of State. It might still be urged in his favour, that he did not think of resigning till he understood that there was an intention to follow up the resolutions that had been carried, with some others which he apprehended might be personally levelled at him. But this apology must also fall to the ground, because what the noble Lord might conceive to have been threats against him, had been thrown out before he went into office. The noble Lord had therefore been terrified by bugbears ; and bugbears had made him fly from his post ; and having so little firmness about him as to be scared into a resignation by bugbears, the country would have no great reason to lament that so timid a Minister had quitted his station. His reason however for resigning was not a little curious : he wished not that his influence as a Minister should screen him from any enquiry ; but he left the House at a loss to find out where this influence was to be found ; certainly it was not in that house, where nothing prevailed at this moment but indignation at the attempt that had been made to destroy the constitution, by attempting to set up a secret influence of men not responsible, by which the country was to be governed. A great Minister, now no more, had very properly called the secret advisers of the Crown, or Lords of the Bedchamber, “ the Janizaries,” that surrounded the throne, ready to strangle every Minister who should

should dare to despise their advice, and act from his own judgment. In Turkey, the Lords of the Bedchamber not only ruled the Ministers; but also they generally were authors of the most dreadful revolutions, or held their prince in bondage: he hoped that the influence of such Janizaries would in future be confined to Turkey; and that from the proceedings of this day, those who hitherto had ventured to use secret influence, would be taught that the people of England were not to be governed by persons who were not in responsible situations; and that those only who were responsible, were the persons who were constitutionally entitled to advise their prince.

Mr. H. Dundas.

Mr. *H. Dundas* denied that he had ever called the business of India a bugbear that was held up to frighten children. He was but too well acquainted with the state of that part of the empire to call it a bugbear; what he meant when he used the word bugbear, was to say, that India was no longer in that alarming state which had justly made people entertain apprehensions for its safety; and that to speak of it now, when it was at peace, in a manner suited only to its former state during the war, was holding out a bugbear to frighten men into measures, in his opinion, the most unwarrantable. As to the business immediately before the Committee, he would not say that the House of Commons had not a right to advise the Crown in points which might relate to the exercise of the Royal prerogative; he would not say that they had not a right to petition the Crown not to dissolve or prorogue the Parliament; but without questioning this right, he would appeal to the discretion of gentlemen, whether this was an occasion that called for the exercise of such a right? When it was proposed a few nights ago that the House should resolve that it was criminal in any man to report the opinion or pretended opinion of the King, relative to any measure depending in Parliament, with a view to influence the minds of members; when this was proposed, he said, he opposed it; not because he disputed the truth of a proposition, which on the contrary he then called a truism, but because he did not think there was then any necessity to warrant such a resolution at that moment. If he saw no necessity for that resolution at that time, of course in common consistency he must have the same objection to an address growing out of that resolution. It was not upon slight rumours that the House of Commons ought to vote self-evident propositions, or carry addresses

addresses to the foot of the Throne; and, in his opinion, the resolution and the present motion, had no other foundation than rumour: a foundation by much too weak to support the superstructure that gentlemen wanted to rear upon it. Gentlemen were alarmed at a report of a dissolution of Parliament; whence the report could spring he was at a loss to determine; for if he could be supposed to know any thing of the intentions of those who were the then advisers of the Crown, and of course that from that knowledge the Committee would give any credit to what he should advance, he would venture to declare, that no such intention at present existed in the mind of a right honourable gentleman at present not a member of that House, as that of advising his Sovereign to dissolve the Parliament. It was impossible for him to pledge himself for the actions of other men; but if he could pledge himself for any thing, it would be for this, that his right honourable friend would not advise any such measure as a dissolution. If gentlemen were determined to carry through the address moved for by the learned gentleman, he certainly did not mean to give it any opposition; he would not therefore take the sense of the Committee upon it; but he entreated gentlemen to consider well if there were at present any grounds for adopting so serious and solemn a measure as that of carrying up an address to the Throne; a measure which ought never to be proposed, but on the most solemn occasions; and when proposed a House of Commons ought to have the necessity of the measure very clearly and unequivocally ascertained before they should adopt it. He entreated gentlemen to consider well what he said about the intention of his right honourable friend; and that if what he said of him was well founded, the only cause that could have induced gentlemen to entertain an idea of the necessity of addressing the King being removed, they ought of course to let the address drop, and not press it any more upon the Committee.

Mr. *Banks* said, that if what the learned gentleman had said to the Committee could not prevail upon them so far as to make them think the address unnecessary at present, he was sure that nothing that could fall from him could have any effect upon them. He was afraid that something which he had let drop on Friday last night, contrary to his intention or wishes, have confirmed the idea which gentlemen seemed to apprehend, that there would be a dissolution of

Mr. *Banks*.

Parliament; but certainly he did not mean to convey any such idea to the House. What he said was simply this:—some gentlemen having asked upon what transaction that had lately occurred could a dissolution of Parliament be founded, and upon what principle could it, in the present moment be justified? To this he replied, that the House of Commons having by a great majority passed a bill, and the Lords having thought proper to throw it out, neither House could afterwards with consistency give up its own opinion relative to India; and therefore as there was little reason to hope that they would ever agree on the subject of that bill, and as there was a pressing necessity speedily to form some regulations for the future government in India, in his opinion, nothing could enable any Ministry to carry these regulations through both Houses but a dissolution; and on this principle he thought such a measure justifiable. More than this he did not mean to say; and nothing could have been farther from his intention at the time, than to intimate to the House that a dissolution would, or was likely to take place. At present he could inform the Committee, that he was authorised by his right honourable friend now at the head of his Majesty's Council, to assure the Committee, that he had no intention whatever to advise either a dissolution or a prorogation of Parliament; and that he would not be one of those who should advise any such measure. This he spoke from authority; and he stated it as an assertion to which his right honourable friend would most readily pledge himself. He hoped, however, that though no dissolution or prorogation should take place, gentlemen would not think it improper to adjourn for some short time, until a plan, the outline of which was already drawn, should be thoroughly digested, and put into the shape of a bill, which should have all that was good in the bill that had been rejected by the Lords, without any of those parts which gave so much offence, and trenched so much upon chartered rights; a plan which would have this to recommend it, that the East-India Company itself would concur in giving it support.

Mr. Fox.

Mr. Fox begged that gentlemen would excuse him, if, notwithstanding the positive assurances that had been given by the two last speakers, he still continued of opinion that the address ought to be carried. He had a great deal of reliance upon the honour and integrity of the right honourable gentleman alluded to; though he could not say he

he had much dependence upon his steadiness; for to see men on one day accepting official situations, and the next day resigning them, afforded very little hope of that stability which at all times, but more particularly in the present, was necessary to give effect to any establishment that it should be thought necessary to propose. But the very means by which the power of the present advisers of the Crown had been obtained, might deprive them of it: that secret influence, which had made them Ministers, might in the end operate to their downfall. The resignation of a noble Lord, which had been that day announced to the House, had very little weight with him; it could not make him renounce any one measure that he had in contemplation before he heard of that event; nay, if it should have any influence at all upon him, it would be to make him think the address still more necessary, for he looked upon that noble Lord as more dangerous now, than when he held an ostensible situation in Government. When he was a Minister of the Crown, he was responsible for his conduct, and for the advice he should give; but now being out of office, he might, as a Peer of Parliament, avail himself of that character, and, unperceived, whisper an advice to his Sovereign, that might in a moment produce those events, which the right honourable gentleman, not now a member of this House, was willing to pledge himself should never be brought about through his means. It was impossible, therefore, for him to consent that the address should be withdrawn; because he ought not in duty to suffer, as far as lay in him as an individual member of that House, any thing to be left undone which might prevent all those calamities which must necessarily be the consequence of a dissolution of Parliament. Not one argument had been urged to induce him to think that the address ought to be withdrawn: indeed no one had attempted to adduce any such argument; and as he saw the address was in every syllable of it unexceptionable, and that it was not opposed from any quarter of the House, he certainly was of opinion that it ought to be carried. He declared that he meant no disrespect to the right honourable gentleman who had lately been placed at the head of affairs, in refusing to take his word that the Parliament will not be dissolved; as far as that gentleman was concerned, he would readily take his word: but in reality, if he himself was now in the situation which the

right honourable gentleman fills, knowing as much as he does know of the power of secret influence, he would not ask any man to take his word; because he did not know but at the very moment when he might be declaring that the Parliament would not be dissolved, that very measure might be resolved upon in consequence of some secret advice, of which he might know nothing until he felt the effects of it. The right honourable gentleman no doubt meant to keep his word; but if he should find that by a prevalence of secret influence, the dissolution of Parliament should hereafter, unknown to him, be resolved on, it would be a very small satisfaction indeed to the public, amidst the sufferings which such a measure would bring upon them, that the right honourable gentleman meant well, and had been himself deceived. It was the duty of the Committee to adopt a measure which would guard the Constitution against the baneful consequences of secret influence, and banish it forever from about the throne.

Mr. Banks. Mr. *Banks* said, that after such a promise as he had made in the name of his right honourable friend, the Committee might rest assured, that if any idea of a dissolution, or, prorogation of Parliament should be seriously entertained any where, his right honourable friend would unquestionably do what the right honourable gentleman over against him (Mr. Fox) would most certainly do in a similar case, he would resign.

Mr. Fox. Mr. *Fox* said, that this could not be pressed upon the Committee as a reason that should induce them to give up the address. He had not a doubt but the right honourable gentleman would act properly and spiritedly on the occasion; but what compensation would his resignation be to the public, for the evils which a dissolution would bring upon them? There was not a moment to be lost; the delay of a day might be attended with the most serious consequences; and therefore he hoped that a very short adjournment, if any at all, would take place. The gentlemen who had sacrificed their domestic enjoyments at this season of the year to their regard for the Constitution, he hoped would complete the great work they had so well begun.

Mr. Banks. Mr. *Banks* was still of opinion that an adjournment might take place; and that the business of India might be concluded time enough for the ships to carry out an account

of it early in March. He knew that during the course of the war, ships had been dispatched to India at all seasons of the year.

Governor *Johnstone* said he might venture to call himself an independent man, in giving his sentiments on the present question; for he differed in opinion from both sides of the House. It seemed to be agreed on both sides, that the Parliament ought not to be dissolved. This was a position which he was ready to controvert. The Lords had thought proper to throw out a bill which a great majority of this House had carried. Now he understood that a right honourable Secretary on the floor (meaning Mr. Fox) had given notice on the day the bill was lost, and before he had lost his situation, that he would bring it in again with just such an alteration in title, as should render it admissible into the House of Lords. But if the Lords, in the exercise of their judgement, had thought it too infamous a bill to pass into a law, could they, consistently with their past conduct, agree to a bill which differed only in name from that which they had before rejected? The right honourable gentleman could carry it in the House of Lords, only by cramming it down their Lordships throats; and they would be beasts, or worse than beasts, if after what they had already done, they would suffer any Minister to cram such a bill down their throats; and therefore from the opposite opinions of both Houses, and their tenaciousness of these opinions, he would not hesitate to declare that the Parliament ought to be dissolved, or that the public affairs would be involved in ruin; and he would deem him a pusillanimous Minister indeed, who should suffer himself to be driven from the helm by any resolution of Parliament against a dissolution, which the safety of the public called for. Next, as to the advice said to have been given by a noble Earl, and which he found condemned on both sides of the House, or at least on one side, and not defended on the other; he was bold enough to say it was capable of a good defence; for neither the law of the land, nor the spirit of the Constitution forbid an honest man to go to his Sovereign, and tell him what were the sentiments of his subjects on any measure, in which they conceived their lives, their property, or their liberties concerned. He was against the address on another ground; to advise the Crown on many occasions could not be done without conveying at the same time the idea of

of reproach, according to the saying, *commendatio est quasi exprobatio*: but this address conveyed a censure, not by implication simply, but in almost a direct manner, and consequently it ought not to be agreed to by the Committee.

14. North.

Lord *North* was sorry to differ in many points from his honourable friend who had spoke last, who undoubtedly might be said to be independent, as far as a person standing singular in his opinion was independent of every person who had argued on either side of the question. His honourable friend had conceived that a right honourable gentleman on the floor (Mr. Fox) intended to cram the India bill, under another name, down the throats of the House of Lords. The honourable gentleman was mistaken in calling him the right honourable Secretary, for sorry he was to say, that to the misfortune of this country, it was a name which no longer belonged to him. "But, said his Lordship, I will call him by a name which I trust will ever belong to him, a name which it is my pride to boast of since I knew him best; I will henceforth call him by the name of my right honourable friend! by that word I mean in future to describe him, and I hope that by that name he will be in future known in the House." Our intimate connection was founded in principles of honour; when the great points on which we differed were no more, we thought we might act together with cordiality and without inconsistency. We were not mistaken; we tried the experiment and it succeeded; no meanness, no dishonour, no jealousy discovered itself; all was inviolable adherence to honour and good faith on one part; all was confidence on the other. No mean concessions were made on either side; I appeal to my right honourable friend, if ever I sacrificed any one opinion which I formerly seriously held upon principle, unless where reason and argument might have pointed out the propriety of it; and in justice to my right honourable friend I must declare, that he never sacrificed to me any principle which he ever held when in opposition to my government. The necessity of the State called for that coalition, which has been so often called a cursed coalition; nay, the very circumstances of the present day demonstrate that necessity; for where could an Administration be formed without a coalition? There were at present but two Cabinet Ministers; and if coalition was a cursed thing, then this Ministry of two men is a cursed Ministry, for it is formed in a coalition of two persons

sons who differed formerly on essential points. The difference, however, of the two coalitions is this: The coalition between my right honourable friend and myself, was a coalition of whole parties blended into one, for the purpose of forming a stable and permanent Government: whereas the coalition between the present First Lord of the Treasury and the Lord President [Earl Gower] is a coalition of shreds, of ends and remnants; a coalition of small parts of parties, but not of the parties themselves. Why then is it the fashion to call the one a cursed coalition, and yet take no notice of the other? I cannot tell, unless it is that one is sufficiently strong to form a strong government; while the former cannot muster more as yet than two Cabinet Ministers. The experience of time has justified the coalition, and rendered it a blessing to the country. When Parliament put an end to my administration by the address against the American war, it was succeeded by another which appeared to be strong; but it carried in its own bosom the seeds of its own weakness, in the disunion which appeared in several parts of it; which soon shewed itself by their splitting asunder, and a secession of a part of it from the cabinet: the next Administration was but weak, because it was ill connected; and it had lost the support of those who formerly acted with it; the members of it therefore fell off one after another, till losing the confidence of the House, the poor remnant of it was obliged to yield to the voice of Parliament, and retire. From this experience it appeared necessary for the good of the State, that a permanent Government should be formed, and it was clear that it could not possibly be formed unless a coalition should take place among those, who though once enemies upon points which could no longer come into debate, might act together very cordially in every other respect: such a coalition was formed; but then it was charged with having seized upon Government: this is indeed a charge that I do not understand, for the public waited for six weeks for a Ministry; and every means were tried for a new one without the assistance of the coalition; but failing in every attempt, the Ministers all quitted the Cabinet before the coalition were sent for. The Cabinet was then empty; so that if we seized upon it, it was by marching in after the garrison which ought to have defended it had fled; and who as they were going out, cried, "What a terrible cursed thing is this coalition, that is driving us from our situations." But if we became possessed of Government, we are at worst charged

charged with having carried it by storm, bravely, in the face of the enemy, not by sap; we carried on our advances regularly and above ground, in view of the foe; not by mining in the dark and blowing up the fort before the garrison knew there was an intention to attack it. It has been said on a former day, that a starling ought to be brought, placed in this House, and taught to speak the words, "Coalition! Coalition! cursed Coalition!" Now, for my part, I think, that while there is in this House an honourable gentleman who never fails, let what will be the subject of debate, to take an opportunity to curse the coalition, I think there will be no occasion for the starling; and while he continues to speak by rote, and without any fixed idea, I think what he says will make just as much impression as if the starling himself was to utter his words. [Here the House could scarcely give the noble Lord an opportunity to proceed, they fell into so violent a fit of laughter.] As to the coalition, continued his Lordship, and the abuse which was so often thrown upon it, they always bring to my mind two persons for whom I felt no inconsiderable share of concern; these were two men who were shut up in the Eddystone light-house to mind the fire. They were both of different principles, and therefore though they were shut in from all intercourse with the rest of mankind, and though they might by their conversation have amused one another, yet they never exchanged a word with each other for six weeks; and they had rather let the fire go out, and see all the navy of England dashed to pieces under them, than that one should consent to give up the most trivial point to the other.—[Here the House was a considerable time in another fit of laughter.] Now, continued his Lordship, the enemies of the coalition would have had my honourable friend and me resemble the two men in the light-house; but we have acted more wisely for the public good; we considered the safety of the public our principal care and duty; and in order to save the ship of State from running ashore or dashing against the rocks, we all agreed, at all events, that the fire in the light-house should not be extinguished; but that let who would stir it, it was to be kept in: thus what some affected to call a curse, was in reality a blessing to the nation. I will not charge the right honourable gentleman at present at the head of his Majesty's affairs with being an enemy to coalitions; on the contrary he likes them so well, that he has formed one himself with the noble Lord who sits with him in the Cabinet. The right honourable gentleman

man has endeavoured to imitate our coalition, but he has bungled the business; for, as I said before, he has coalesced with the remnant of parties, and not with the parties themselves; therefore I may apply to them the expression of the Roman orator, *Placuisse, sed non tetigisse*. But to return from my digression, my honourable friend behind me (Governor Johnstone) says, that my right honourable friend means to cram down the throats of the House of Lords, a bill which they had already rejected: but surely he cannot be in earnest, for he knows my right honourable friend is no longer in a situation to cram any thing down their throats; and the honourable member over the way (Mr. Banks) says, that a bill totally different from that which was rejected, in as much as it is free from all those objections which are said to have made so many enemies to the bill that is lost, is to be presented by the new Minister; and therefore as one person has it not in his power to present the same bill again; and another person will present a totally different one, there is no danger that the old bill will be crammed down the throats of the House of Lords; and consequently there is no danger that the event should take place, which in my honourable friend's opinion, would justify a dissolution of the present Parliament. My honourable friend has been mistaken in another point: he says, that my right honourable friend said, before he resigned, that he would bring in again the same bill. This is, indeed, a capital mistake; for my right honourable friend did not resign, he was turned out; I was turned out; we were all turned out: not the merit of having voted against the bill could preserve the Lord President of the Council from the mortification of being turned out with all his friends. As to the assurances given to the Committee on the part of the right honourable gentleman now at the head of his Majesty's affairs, that no dissolution or prorogation will take place through his advice, I am very well inclined to say, that in his honour and integrity I have a great reliance; but what security can he give that secret influence in Lords of the Bedchamber will not defeat his intentions, and produce a dissolution not only without his advice, but even contrary to it? — I value highly the character of that right honourable gentleman; and though he is my political enemy, still I always feel myself disposed to treat him with more respect than I ever experienced from him: but highly as I value that character, I cannot trust to it upon the present occasion, because the events to which that character is pledged may not be

within the control of the right honourable member. At present there are only two Ministers in the Cabinet; but when the number is completed, who can answer to the House of Commons that a dissolution may not be proposed in the Cabinet, the right honourable gentleman out-voted, and the question carried? This is upon the supposition that the event will depend upon the Cabinet; but the difficulty will be still greater, if the Committee will reflect on the power of secret influence, which can put an end to the strongest Administration, as has been experienced within these few days. I therefore must declare, that as the address is couched in the strongest terms of respect, duty, affection and loyalty to his Majesty, I think it ought to be carried, as the only effectual means of preventing those calamities which would flow from a dissolution of Parliament in the present critical situation of affairs.

Mr. Martin. Mr. *Martin* begged leave to say a few words in reply. He said the noble Lord's character for mirth and humour was solidly established; but notwithstanding his great abilities, he was as little afraid of rising to answer him as any other member in the Committee. His reason was, that a consciousness of the rectitude of his own intentions enabled him to bear up against any abilities. Whenever he spoke, it was from the heart; his judgment was his only guide. He had been charged on a former day by an honourable member, with wishing for the blood of the noble Lord; God knew that he wished not for blood, and that he could have no personal enmity to the noble Lord, whose character in many respects he revered; but as he believed he had brought this country to the brink of ruin by the American war, he thought the noble Lord ought to be brought to justice for it; and here he begged leave to observe, that it did not follow from this, that he wished for blood: there were many degrees of punishment between simple censure and the scaffold.

Mr. Beaufoy. Mr. *Beaufoy*, in a masterly speech on the subject of Lord North's Administration declared, that the noble Lord had brought this country into its present situation.

The Earl of Surry. The Earl of *Surry* begged to know from what cause it had happened that no notice had been taken in Saturday's Gazette of an appointment to the office of Chancellor of the Exchequer. The office of First Lord of the Treasury and that of President of the Council, must be filled of course; but they were not places so pressingly necessary to be filled at all times as the place of Chancellor of the Exchequer. That ought in his opinion to be first filled; and yet he did not find that it

was occupied as yet, at least he did not find that any one had as yet acted as Chancellor. The assurances that had been given from the other side of the house, that the right honourable gentleman actually at the head of his Majesty's Treasury would not advise the dissolution of Parliament, would certainly have great weight with him, if he could hear equally strong assurances that the right honourable gentleman would be able to prevent the question for a dissolution from being carried against him in the Cabinet, or from being carried somewhere else, perhaps in spite of the Cabinet.

Mr. *Kenyon* said he would explain to the noble Lord the reason why the Chancellor of the Exchequer had not been sworn into office as well as the Lord President of the Council and one of the Secretaries of State, who has since resigned. The Lord President takes the oaths before his Majesty; the Secretary of State is appointed by the delivery into his hand of the seal of office; but the Chancellor of the Exchequer is sworn in by the Lord High Chancellor: and as there is no Lord Chancellor appointed as yet, the Chancellor of the Exchequer has not been sworn, and therefore his appointment has not as yet appeared in the Gazette.

Mr. *Arden*, said he really knew not what the noble Lord meant, he wished he would explain himself.

Mr. *Fox* thought that the noble Lord's words were so very clear and intelligible, that if the learned gentleman did not already understand them, he honestly confessed that it was out of his power to find plainer words than those which had been used by his noble friend.

Mr. *Banks* still wished that the address might not be insisted upon, but if gentlemen were resolved to carry it through, he would go so far as to say, that finding it in every degree unexceptionable in all its parts, and in the manner in which the person and prerogative of the Sovereign were treated, he certainly would give it no opposition; he had no objection to urge against it but that it appeared to him unnecessary, but as he could not bring the Committee to think so with him, he would not press farther on the patience of gentlemen.

General *Smith* said he would join issue with the learned gentleman who early in the debate made an assertion that India was at present at peace; he would prove from the last reports that India was convulsed to the centre; that Mangalore was surrounded, and that our troops were encompassed with enemies, who he feared had compelled them to lay down their

their arms. The letter of Sir Eyre Coote, and the partition treaty for dividing Tippoo Saib's dominions, afforded the best reasons for believing that India instead of being at peace, was at this moment a scene of bloodshed and destruction.

Mr. Dundas Mr. *Dundas* rose to explain, and gave his reasons for believing India at this time at perfect peace.

Gen. Smith. General *Smith* replied, and stated why he thought otherwise, entering into the whole of the argument on the durability of the Mahratta peace, and of the consequences of the late events of war in India.

Governor Johnstone. Governor *Johnstone* rose to answer General Smith, and assigned his reasons for being of the same opinion with Mr. Dundas.

After Mr. Hussey had read the whole of the address through, and was on the very point of putting the question, **Sir William Dolben.** Sir *William Dolben* rose and said, 'he should vote for the address, because he thought it respectful, loyal and parliamentary. He approved the whole of it, excepting only the sting in the last paragraph, that about the secret advisers of the Crown. He wished gentlemen would consent to give up that which looked invidious and personal. Sir William urged the great necessity for cordiality in a moment like the present, and said in his opinion, the House would act more wisely in forbearing to use any language of that sort, that bore the least appearance of acrimony and irritation.

Mr. Baker, Mr. *Baker* in reply said the paragraph objected to by the honourable Baronet, was, as he conceived, the very essence of the address. It was a matter of public notoriety that an undue and unconstitutional influence had been exercised in a recent instance, and there was every reason to suppose, that the loss of a bill that had been carried by a great majority of that House was solely owing to such an interference. The House had in consequence thought it right to come to several resolutions, speaking their sense of the criminality of secret advisers, and the present address was a natural consequence of these resolutions. To leave out the last paragraph of it therefore would be to destroy its avowed purpose. Mr. Baker in reply to the arguments founded on the declarations that had been made of one Minister's having authorised a learned gentleman, an honourable gentleman, and a noble Lord to assure the House in his name, that he would not advise the dissolution of Parlia-

Parliament, and that such a measure should not take place, reminded the House of Lord Hillsborough's famous letter to America, which had contained the express declaration of a Minister, but had nevertheless been afterwards departed from, and had been followed with the American war and all its fatal consequences.

The question was at length put and carried.

Mr. Fox, then moved that the Chairman leave the Chair, Mr. Fox report progress, and ask leave to sit again.

These motions being put, Mr. Fox cautioned the House against departing before all the forms were gone through, which he said would take up but a very short time. He also earnestly exhorted the members not to leave town immediately, as the consequences might prove irremediable.

The House being resumed, Mr. Hussey brought up the report of the resolution come to by the Committee. The resolution was read a first and second time, and agreed to by the House. A motion was then made that a Committee be immediately appointed to draw it up in the form of an address, which was accordingly carried, and after some few minutes, the address was brought up, read to the House, and was as follows :

“ Most gracious Sovereign,

“ WE, your Majesty's most dutiful and loyal subjects the Commons of Great Britain in Parliament assembled, think ourselves bound in duty humbly to represent to your Majesty, that alarming reports of an intended dissolution of Parliament have gone forth.

“ Your Majesty's faithful Commons, dutifully acknowledging the wisdom of the Constitution, in trusting to the Crown that just and legal prerogative, and fully confiding in your Majesty's royal wisdom and paternal care of your people, for the most beneficial exercise of it, desire with great humility, to represent to your Majesty, the inconveniencies and dangers which appear to them, from a consideration of the state of the nation likely to follow from a prorogation or dissolution of the Parliament in the present arduous and critical conjuncture of affairs; the maintenance of the public credit, and the support of the revenue demand the most immediate attention; the disorders prevailing in the government of the East Indies at home and abroad, call aloud for instant reformation, and the state of the East-India Company's finances, from
“ the

the pressing demands upon them, requiring a no less immediate support and assistance from Parliament.

“ Your Majesty’s faithful Commons are at present proceeding with the utmost diligence, upon these great objects of Government, as recommended to their attention by your Majesty’s gracious speech from the throne, but which must necessarily be frustrated and disappointed by the delay attending a dissolution, and most especially the affairs of the East Indies, by the assembling of a new Parliament, not prepared by previous enquiry, to enter with great effect upon an object involving long and intricate details, which your Majesty’s faithful Commons have investigated for two years past, with the most laborious, earnest and unremitting attention.

“ Your Majesty’s faithful Commons, deeply affected with these important considerations, impressed with the highest reverence and affection for your Majesty’s person, and anxious to preserve the lustre and safety of your government, do humbly beseech your Majesty to suffer your faithful Commons to proceed on the business of the session, the furtherance of which is so essentially necessary to the prosperity of the public; and that your Majesty will be graciously pleased to hearken to the advice of your faithful Commons, and not to the secret advices of particular persons, who may have private interests of their own, separate from the true interests of your Majesty and your people.”

The address was approved of, and an order was made that it be carried up to the Throne by the whole House; and that such members as were Privy Counsellors do attend his Majesty and know when he would be pleased to receive the same.

December 24.

The House went up to St. James’s, and his Majesty being seated on the throne, the Speaker presented their address, to which his Majesty returned the following answer, which on their return the Speaker read from the chair:

“ Gentlemen,

“ It has been my constant object to employ the authority entrusted to me by the Constitution, to its true and only end — the good of my people; and I am always happy in concurring with the wishes and opinions of my faithful Commons.

“ I agree

“ I agree with you in thinking that the support of the public credit and revenue must demand your most earnest and vigilant care. The state of the East Indies is also an object of as much delicacy and importance as can exercise the wisdom and justice of Parliament.. I trust you will proceed in those considerations with all convenient speed, after such an adjournment as the present circumstances may seem to require. And I assure you I shall not interrupt your meeting by any exercise of my prerogative, either of prorogation or dissolution.”

Mr. Fox said that though by his Majesty's answer to the address, the House had assurance that they should not be prevented from meeting again by either a prorogation or dissolution of Parliament, still the assurance went no farther than the meeting after the recess. His Majesty's present Ministers had been it seemed driven from their intention to dissolve the Parliament, none of them had been found daring enough to advise his Majesty to take so desperate a step; but how soon after the next meeting they might venture so to do, he could not foresee; they were resolved however to prevent the House as long as they could from proceeding to business; for by moving writs at present, they would make such a number of vacancies in it, that would furnish themselves with an argument against proceeding early to business; for they would have it in their power to say, that it would not be decent to proceed during the absence of so many persons as had been sent to an election. The state of the country however, would not admit of a long recess, for as the present Ministers could not stand long, (and indeed to talk of the stability and permanency of their government would only be to laugh at and insult them) it would be necessary to move for another set of writs after the holidays in the room of those who on the formation of another Ministry should vacate their seats. Therefore in order to prevent the calamities that were likely to befall the country and threaten the constitution, he would propose that the recess should be as short as possible, he thought it could not well be for less than a fortnight, and therefore he was of opinion that the House should adjourn first to Friday, when he understood it would be necessary to meet again for the purpose of moving some writs, and then to the 8th of January. It might be said, that knowing as he did that the Ministry could not stand long, this was shewing himself impatient to be restored to office; he did not know that he should make one of the next administration,

tion, but he confessed that he was impatient that the sense of that House might be soon taken on the present Ministers; that they might soon learn, either that they had the confidence of the House, without which no ministry could last, or that they had not; this was highly necessary to the public good, and therefore the sooner the people should have a stable government, let it be composed of whom it might, the better. [Mr. Fox was interrupted by the Usher of the Black Rod, who summoned the Commons to attend his Majesty in the House of Peers. On their return he proceeded.] He talked of the weakness of young men in accepting offices under the present circumstances of affairs, and he mentioned their youth as the only possible excuse for their rashness. However, as they came in the avowed champions of the House of Lords against the sense of the House of Commons, it would be necessary to proceed as early as possible in the business on which the Committee on the state of the nation was to sit, and to take such steps as should be thought prudent and salutary, to guard against the evils that might be apprehended from the secret influence to which the new Ministers were not ashamed to owe their own situations. They did not seem to understand a pretty broad hint from that House, how improper it would be for them to come into power; it would, perhaps, require a broader one to convince them of the necessity of retiring, and therefore it might be proper to come to some pointed resolution after the holidays, in order to secure the House against a dissolution; he was of opinion, therefore, that they ought not to adjourn beyond the 8th of January.

Lord Mulgrave.

Lord *Mulgrave* took notice of some parts of Mr. Erskine's speech on Monday last relative to the time when the address was carried to King William in 1693, from which he copied the last paragraph. He said that there was great resemblance between that period and the present, when a faction was overturned and driven from power, when a tory Lord Rockingham was dismissed from his office, and the patriotic and whig Lord Somers, who was the type of the present Lord Chancellor, had the Great Seal delivered to him after it had been taken from a jobbing commission.

Mr. Erskine

Mr. *Erskine* said it would have been better for the noble Lord to have taken notice of his speech on Monday than now. He said he did not copy the paragraph in that address, merely because he found it in a former one; but approving as he did, of the sentiments contained, he had adopted

adopted it merely in complaisance to such squeamish persons as the noble Lord. He said, he did not apprehend from his Majesty's answer, that there was any intention to dissolve or prorogue the Parliament after the recess; he would not read that answer with the eye of a special pleader, in order to find flaws in it; but as his Majesty admitted the pressing necessity of vigilance and attention to public affairs, he conceived that he admitted as a just inference, that an interruption of the proceedings of the House would be prejudicial to them.

Sir *Edward Astley* thought the adjournment too short; he had attended his duty in Parliament from the first day of the meeting, to the great prejudice of his private affairs, which now required some little attention from him. It would take him two days to go down to the country, and two more to return, which taken from the period between this and the 8th of January, would leave it short indeed. He said he had read in the newspapers this day, that Sir Edward Astley was gone over to the opposition; he must drink deep indeed of the water of Lethe before he should do that; he cared not indeed who was Minister, he would support no man from influence, but would be always guided by his opinion of the measure.

Sir *Joseph Mawbey* inveighed against the coalition, which he detested from the bottom of his heart. In answer to an allusion made by Mr. Fox, but which we did not well hear, that the Ministers would employ their time during the recess to bring over members to their interest by holding out tempting offers; Sir Joseph said that if they did, they ought to employ the agent of the noble Lord in the blue ribband, who was hacknied in that business.

Lord *North* said that it was not very likely that his agent, whoever was meant, should go about to make a majority a minority; for his part, if the present Minister would be bound not to attempt, during the recess, to corrupt, by himself or any agent, any member composing the majority of that House, he (Lord North) would consent to be locked up without pen, ink, or paper, and bind himself not to speak to any man until the House should meet again. He was of opinion, however, that no attempt would be made, for he was sure that a more fruitless one could never be undertaken. After some farther consideration, it was agreed to postpone the business of the adjournment, until Mr. Steele should have moved all the writs, exclusive of that

for Edinburghshire, which was ordered; he moved for others to fill up the vacancies occasioned by the appointments of Sir George Yonge, to the office of Secretary at War; of Mr. Aubrey and Mr. Elliot, to be Lords of the Treasury; and of Mr. Brett, Mr. Pratt, and Lord Apsley, to be Lords of the Admiralty; the new writs were ordered accordingly. The House then resolved itself into a Committee to take into consideration the affairs of the nation.

Lord Beau-
champ.

Lord *Beauchamp*, after a short preface, moved that the Chairman, Mr. Hussey, be directed to move that it is the opinion of the House that the Lords of the Treasury ought not to consent that the Directors of the East-India Company do accept any more bills, unless they shall be able to prove to Parliament that they have sufficient means to provide for the payment of them, after they shall have made their dividend, and discharged the debt due to Government.

Mr. Fox.
Lord Mul-
grave.

Mr. *Fox* seconded the motion *pro forma*.

Lord *Mulgrave* said the Lords of the Treasury were authorised by an act of Parliament to give their consent that the Directors should accept bills to a certain amount; it would therefore be absurd to confine them by a resolution of one branch of the Legislature from doing that which by law they were authorised to do: in the exercise of their judgment, in obedience to an act of the Legislature, they ought to disregard a resolution of that House. This last expression made many members take fire. Mr. Burke and Mr. Fox found it perfectly consistent with men who were come in under the influence of the House of Lords, to despise the resolutions of the House of Commons: indeed the present Ministers shewed whose Ministers they were; for of them all, there was only one who was not a Peer!

Id. North.

Lord *North* said the resolution was necessary. By law the Directors could accept bills to the amount of 300,000l. for any sum beyond that, they must have the consent of the Lords of the Treasury. He understood that bills had already arrived, or were on the point of arriving, to the amount of 2,400,000l. and others were expected to arrive from India to the amount of 2,095,000l. more. This was an immense sum, and therefore it ought not to be left to the discretion of the Treasury, to bind the public by their consent to the payment of it. For his part, were he a Lord of the Treasury, he would thank the House for such a resolution as that which was then before the Committee;

as it would free him from a thousand importunities from the Company.

Sir *William Dolben* thought the House ought not to interfere with the Lords of the Treasury in the discharge of a trust reposed in them by the three branches of the Legislature. Sir Wm. Dolben.

Mr. *Scott* said he would not argue for the necessity of the resolution, but if it was once admitted to be necessary, he would not hesitate to say that it was not unconstitutional; for that House had unquestionably a right to advise any executive branch of government, however legally established. Mr. Scott.

Mr. *Wilberforce*, Mr. *Banks*, and Lord *Mahon*, spoke on the question, but not against it; they rose merely to rescue the character of Mr. *Pitt* from any imputation that he intended to make any bad use of the power vested by law in the Treasury. The resolution was then carried without a division.

The Earl of *Surrey* then acquainted the Committee that he had another resolution to propose. A reformation had been intended in the Duchy of Lancaster, if not an abolition of the Duchy Court; but this had been in a great measure prevented by the grant made of the office of Chancellor of that Duchy, to the last person who held it for life: he moved therefore that the Chairman be directed to move the House to address his Majesty, that until the 12th of January next he do not grant the above office to any person, otherwise than during pleasure. He said he had chosen an early day, that he might not be thought to trench too much upon the prerogative. The resolution passed without opposition. The Chairman having been previously directed to report progress, and ask leave to sit again, left the chair, and the House being resumed, he reported the resolutions, which were adopted by the House. The Earl of Surry.

Mr. *Fox* then said, that in compliance with the wishes of some gentlemen, he would not press the adjournment to the 8th; but would move that the Committee do sit again on Monday the 12th of January next. This motion was carried; and it was settled among all parties, that the House should meet on Friday, merely for the purpose of ordering such new writs as should be then moved for; after which they should adjourn to the 12th. The House then adjourned.

December 26.

After the new writs were moved for, the House adjourned to January 12.

January 12, 1784.

Mr. Fox.

At half past two Mr. Fox rose and said, he would proceed to move the order of the day ; but he was interrupted by the re-elected members coming to take their seats. They came separately, and it was near four o'clock before they were all seated.

Mr. Fox and Mr. Chancellor Pitt then rose at the same time, and the friends of both gentlemen were very loud in procuring for them the preference. — The Speaker said, that Mr. Fox was in possession of the house, for he had been up, and was interrupted by the swearing in of the re-elected members.—Mr. Chancellor Pitt said, he spoke to order, and he therefore was heard. He said he knew not that Mr. Fox was in possession of the house ; but he thought it requisite for him to say, that the reason for his rising was to present to the House a message from his Majesty, conceiving, as he did, that the House would be disposed to hear that in preference to other matter.

The Speaker.

The Speaker then, from the chair, said, that Mr. Fox having begun his speech, was clearly in possession of the house, and was entitled to go on.

The Right Hon. Mr. Fox.

The right honourable Mr. Fox then said, that nobody would believe that he was inclined by any means to prevent the right honourable Chancellor of the Exchequer from presenting a message from his Majesty ; but having risen to move for the order of the day, and the right honourable gentleman having it in his power to present the message after the business of the day as well as before, and knowing at the same time, from the nature of the message, that there would be no injury in waiting, he wished that the House should go into the Committee on the state of the nation, where a motion of the most immediate consequence to the House would be made, and which, in his mind, ought to precede all other business. He therefore begged leave to move the order of the day.

Mr. Chancellor Pitt.

Mr. Chancellor Pitt then rose : he was by no means anxious, he said, to prevent the House from going into the Committee on the state of the nation, or to keep the right honourable gentleman from the possession of the house, to the gaining of which such art and such accommodation had been used. He could not be at all surprised that those men, who before the recess had been so clamorous and so petulant, and who had gone such strange lengths, at a time when those

those persons who unquestionably ought to be present at the discussion of all important questions were necessarily absent, should now have proceeded in the same way, and taken the advantage of absence to bring on one measure, by which he, as the Minister of the Crown, should be prevented from bringing down a message from his Majesty. It was not his desire to prevent gentlemen from saying any thing that they might imagine would support that clamour which they had endeavoured so insidiously to raise in the country, any thing that would support that petulance which they had shewn before the recess, that unjustifiable violence and those unprecedented steps which they had taken, for the purpose of inflaming the country and exciting jealousies, for which there was no real foundation. He was happy to see the House met again, that now the Ministers of the Crown might be able to face the assertions, the insinuations that were thrown out, for nothing in the shape of a charge had been brought forward, nothing had even been attempted to be proved; now they would have it in their power to meet the enquiries and the propositions that might be agitated in the Committee on the state of the nation; and he assured the House, that he should not shrink from any question, charge, or insinuation, which the gentlemen on the other side might chuse to bring against him.

At the same time, however, that he cheerfully expressed his readiness to go into the Committee on the state of the nation, he thought it right that this Committee should be delayed for some short time, and he trusted the reasons which he should give would be satisfactory to the House. It had pleased his Majesty to command his services, at a time, when, however he might feel himself unqualified for the high station of the Minister, he could not think himself justified in conscience to decline. The circumstances of the country were peculiar and distressing.

The East-India bill, brought in by the right honourable gentleman, a bill so violent in its form as to give just reason for alarm to every thinking man, had been, by what powerful management it was not for him to say, hurried through that House. That bill established a species of influence unknown to the Constitution of this country; and he was one of a most respectable minority, who thought, that if it had passed into a law, the independence of that House, the equilibrium between the three estates of the realm,

realm, and the beautiful frame of our Government were at an end. That bill passed this House, but at the same time it was the idea of all men, even of those who objected to that bill, that though that bill was perfectly unfit to be passed, some bill was essentially necessary; and he had pledged himself, if it was withdrawn or thrown out, to propose one less violent in its principle, and, as he thought, more adequate to its purposes. Would any man object to his moving for leave to bring in that bill? Would not all sides of the House acknowledge, that the first object to be embraced was the India business? It was for this question that the House was impatient. They had thought proper to present an address to the Throne, stating their extreme anxiety to go upon this important pursuit, which they stated to be so important as to make them dread any interruption whatever. Was it possible then that they should think of interrupting the business? Was it possible that they should think of preventing the introduction of a new bill, which was the only way of coming fairly to the business? Whatever serious enquiry into the state of the nation might be meditated afterwards, he should think it his duty most attentively and cheerfully to accompany; but in the mean time he begged the House to consider, that this was the first day when the new Ministers had met them in Parliament. That Ministry was formed, was called by his Majesty into office chiefly on the ground of the India bill. Their first duty was to frame a system for the government of India. They had not opposed the last bill by cavilling; they had not objected to it from envy to the parents of it. They had opposed it, because they thought that its objects might be accomplished in a safer way. This was the point on which they were at issue. They had now to prove that they had not lightly disturbed the government of the country; that they had not set up a captious opposition, an opposition to men merely; but that they opposed a most violent measure, and having overthrown it, they thought it their first duty to substitute a more moderate, a more constitutional scheme in its place.

He spoke again of the clamour which had been excited, and said he was ready to meet it all. He had objected to the last bill, because it created a new and enormous influence, by vesting in certain nominees of the Ministers, all the patronage of the East. He stated all his great objections to Mr. Fox's bill, and said, that he was now called upon

upon by his duty, to bring in a new bill, and if the House, by agreeing with him to postpone the order of the day, would give him leave to move for leave to bring in his bill, he would state all the outlines of his system, as shortly and precisely as he could. He trusted that he should not be prevented, because the right honourable gentleman had forestalled the House, by rising, at a time, when those persons were absent, whose duty it was to conduct official business, and he hoped the House in general would agree with him in voting against the order of the day.

Mr. *Erskine* said, he ventured to consider themselves as Mr. *Er-*
re-assembled that day after the necessary adjournment of *skine.*
the session, under his Majesty's solemn promise, that they should not be interrupted in their deliberations on the affairs of the East Indies, and the support of the public credit, by any prorogation or dissolution of the Parliament: for, if his Majesty's answer to their late address meant any thing short of that, his Ministers who had advised and perused it had not only abused his Royal confidence, but grossly deceived and insulted that House. For that the answer in acknowledging the urgency of those objects, mentioned in the address, as reasons against dissolving, and likewise the expediency of proceeding on them with vigilance, most undoubtedly conveyed that the House would be permitted not merely to meet, but to meet for the furtherance of those objects. On the day the answer was read in that House, there were no responsible Ministers present, but as they were there then, the House was entitled to know, in the most explicit and unequivocal terms, previous to the discussion of any question of India, whether they were to understand, that they were met again freely, independently, and with ultimate effect to deliberate on the affairs of India, and the other great considerations that pressed upon them, or whether they were only tenants at the will of the new Minister, to be sent back to their constituents as delinquents, unless they should recede from every principle of constitutional policy to which they were solemnly and publicly pledged, and should agree to register any edict upon the subject which the new Treasury Bench might dictate to them, however repugnant to their former opinions. For if that was their system, he for one would not give up a moment of his time to deliberation which must be fruitless, and which could end in the final execution of no permanent system of government in Asia or Europe. That if Ministers met
them

them only by way of experiment to try their opinions with the rod of dissolution hung over their heads as the scourge of disobedience, determined, instead of retiring on a disappointment, still to distract and disturb a Government which they could not guide, and to gain over a future Parliament, by the arts of cabal and corruption, which the virtue of the present had resisted, it would become them to know, not from the Ministers, but from the Throne itself, whether this country was to be governed by men whom the House of Commons could confide in, or whether they, the people of England's representatives, were to be the sport and foot-ball of any junto that might hope to rule over them by an unseen and unexplorable principle of Government utterly unknown to the Constitution. That was the great question to which every public-spirited citizen of this country should direct his view. A question that went very wide of the policy to be adopted concerning India, about which very wise and very honest men, not only might, but have and did materially differ. The total removal of all the executive servants of the Crown, while they were in the full enjoyment of the confidence of that House, and indeed without any other visible or avowed cause of removal, than because they did enjoy that confidence, and the appointment of others in their room, without any other apparent ground of selection than because they enjoyed it not, was in his mind a most alarming and portentous attack on the public freedom, because though no outward form of the government was relaxed or violated by it, so as instantly to supply the constitutional remedy of opposition, the whole spirit and energy of the government was annihilated by it. That the prerogative of choosing Ministers belonged to, and ought to belong to his Majesty, and let no man hope to hear from him a single expression that struck at the just independence of the Crown; but as all its prerogatives, like their own privileges, were but trusts for the people; and as none of them could be abused but by the agency of others, he persuaded himself that they would look to those, who in an evil hour had given the Crown the most responsible advice on the subject alluded to, by accepting of all the posts of executive power, merely as it should seem, because the voice of the people's representatives in that House had been recently, repeatedly, and loudly lifted up against them. He ventured to express his astonishment on a former day, when the First Lord of the Treasury was not in his place, that when the affairs of India were the first and

most important objects of the King's Government, he could venture to take upon him the conduct of that Government in a House of Commons, adverse to all his ideas and principles on the subject, and the majority of which he had on the same subject loaded with the most opprobrious epithets; an expression he thought himself at liberty to use, because after a great and respectable majority had assented to the bill upon the second reading, and in the Committee, the right honourable gentleman did still on the third reading consider the friends of it collectively as supporting a desperate faction, in an attempt to maintain themselves in power at the expence of the most sacred chartered rights of individuals, and the most valuable interests of the public, with many other galling expressions. His objection to that language, as he explained it when he first stated it, was not so much because it was unparliamentary or unprecedented, though he thought it sufficiently so: it was not an arraignment of the right honourable gentleman for using it, since on most contested public measures the same sort of language was but too frequent from both sides of the house; but he did, as they might all remember, express his utter astonishment, which he again expressed, (for it grew on him every instant) that the right honourable gentleman should hope to continue one day the Minister in a House of Commons, while that majority, whose principles of government he had thus so recently reprobated, continued to subsist: that was, and continued to be his observation, and he was not afraid to trust the justice and propriety of it to the good sense, the dignity and the memory of the House. If the right honourable gentleman retained his own opinions, and if the House likewise retained its own, was it not evident that he had come into office without the most distant prospect of serving the public? Was it not evident, that he brought on a struggle between executive and legislative authority, at a time when they were pointing with equal vigour, unity and effect, for the common interests of the nation? Was it not palpable, that instead of giving stability, dignity and authority to the Government of his country, at a time when its affairs were falling into ruin in every part of the world from the want of them, he crippled and enervated all its operations, stirred dangerous questions between the prerogatives of the Crown and the privileges of the people, and wasted the important hours of deliberation in that house in bringing things back to the very condition they were in originally; when he stepped forth to disturb them. Could the right honourable

Vol. XII. S s s gentle-

gentleman, or any body for him, explain to the House why the Crown, by its answer to their address, should promise not to disturb their proceedings, yet should at the same moment change the whole executive authority of Government, and place it in the hands of persons adverse to every principle they had pledged themselves to adopt, on the very measure they were desired to proceed upon? Was it not plain to the meanest understanding, that it struck a palsy into every member of executive power, which could not, and ought not to have any energy or strength, when deprived of that vital spirit of popular government, which could only circulate life and heat it through the medium of the people's representatives in that House?

He trusted that whenever the Crown of England removed its Ministers, enjoying the full confidence of the Commons, and chose so strange and inauspicious an hour for that removal, as when upheld by that confidence they were planning great and necessary systems of government, and when it not only chose that season for removing them, but put into their room persons whose principles on the same objects the people's representatives had recently rejected and condemned, he hoped, whatever might be their differences on other subjects, that they should be unanimous in considering that moment as a great and alarming crisis, in which the freedom of the government was to be decided on for ever; and that though they should proceed like prudent and virtuous men, with foresight and moderation, taking care not to touch any of the forms of the government, yet that they should convince the Crown by their conduct, that the wisest and ablest individual, who should ever venture to stand upon secret influence against the confidence of that House, would find that his abilities, whatever they might be, or whatever they might be fancied, instead of being a support and protection to him, would only be like the convulsions of a strong man in the agonies of disease, which exhausted the vital spirit faster than the fainter struggles of weakness, and brought on death the sooner.

Such, in a few hours, he trusted would be the fate of the right honourable gentleman at the head of the present Government: indeed he never compared, in his own mind, his first appearances in that house, when under the banners of his right honourable friend, he supported the genuine cause of liberty, with his present melancholy ridiculous situation in it, than he was drawn into an involuntary parody of the scene of Hamlet and his mother in the closet.

Look here upon this picture, and on this:
 See what a grace was seated in this youth,
 His father's fire — the soul of Pitt himself,
 A tongue like his to soften or command,
 A station like the genius of England
 New lighted on this top of Freedom's hill;
 A combination and a form indeed,
 Where every god did seem to set his seal
 To give his country earnest of a Patriot.

Look you now what follows:

Dark, secret influence, like a mildew'd ear,
 Blasting his public virtue: Has he eyes!
 Could he this bright assembly leave to please,
 To batten on that bench!

The right honourable gentleman might profit the less from these observations, from believing that he sought them, and that he had a pleasure in making them; if he thought so, he could assure him upon his honour that he was mistaken; so very much mistaken, that the inconveniencies which the country suffered at that moment from the want of a settled government, were greatly heightened to his feelings from the reflection that they were increased by his unguided ambition. Their fathers were friends, and he was taught from his infancy to reverence the name of Pitt; an original partiality, which instead of being diminished was strongly confirmed by an acquaintance with the right honourable gentleman himself, which he was cultivating with pleasure, when he was taken from his profession into a different scene. Let him not think that he was the less his friend or the mean envier of his talents, because they had been too much the topic of panegyric there already, and both he and the public were now reaping the bitter fruits of these intemperate praises, "It was good (said Solomon) for a man to bear the yoke in his youth;" and that if the right honourable gentleman had attended to that maxim, he would not at so early a period have declared against a subordinate situation, but would have lent the aid of his faculties to carry on the affairs of this country, which wanted nothing but stability to render them glorious, instead of setting up at once for himself to be the first; because he had too hastily declared against being subordinate, and doing it under circumstances, which could not but for a time at least (the spirit of the House would take care it should not be long) disturb and distract

all the operations of Government, and disappoint the most solid interests of the public.

How very different had been the progress of his honourable friend that sat near him, who was not hatched at once into a Minister by the heat of his own ambition, but who, as it was good for him to do in the words of the wise man, "bore the yoke in his youth," passed through the subordinate offices, and matured his talents in long and laborious oppositions, arriving by the natural progress of his powerful mind to a superiority of political wisdom and comprehension, which that House had long with delight and satisfaction acknowledged. To pluck such a man from the councils of his country in the hour of her distresses, while he enjoyed the full confidence of that House, to give effect to vigorous plans for her interests, and to throw every thing into confusion by the introduction of other men, introduced as it should seem for no other purpose than to beget that confusion, is an evil that if they could not rectify, they might at least have leave to lament: that all these evils were however imputed by the right honourable gentleman and his colleagues to another source — to the bill for the regulation of the East Indies, from the mischiefs of which they had stepped forth to save the country — a language most indecent in that House of Commons, which had thought it their duty to the public to pass it by a majority of above an hundred, but was however to be taken to be destructive and dangerous, notwithstanding that authority, because it had been disapproved by a majority of eighteen votes in the Lords, some of whom he revered as consciencious and independent opinions; but the majority of which small majority voted upon principles, which the forms of the House would not permit him to allude to, farther than to say, that individual noblemen were not always gentlemen. That the whole opposition on the score of India was a pretext, the opposition being equally violent before it was brought forward, on the principles of the coalition between Mr. Fox and Lord North, which Mr. Erskine then proceeded to defend on its true grounds; and concluded with saying, that the appeal to the candour of his friend, Mr. Fox, to wave that priority which he was fairly in possession of according to the forms of the House, was, he persuaded himself, impossible to be acceded to; because, though liberality and good humour were his ruling characteristics in private life, he was tenacious, and justly tenacious when in a public station. He was acting as the guardian

guardian of those public rights, which of all other men he was the most fitted at any time, but particularly in such a time to support and defend. That whether England should have a government was more important than whether India should have one, and that therefore he should insist on pressing the Committee on the state of the nation, to the proposition of the right honourable gentleman, which would come forward without the loss of an hour, unless he himself occasioned its delay, by disputing the necessity of those resolutions, which his friend Mr. Fox, would move in the Committee, for the security of the public and the existence of Parliament.

Mr. Powys assured the House that he was not agitated Mr. Powys. with any of that heat or violence which he saw but too evidently was rising in their minds; he lamented that it was so, and he was happy that he was absent at the time, when the bill which gave occasion to all this heat was thrown out. He wished it had been thrown out by that House rather than by another branch of the legislature, but he rejoiced that it was defeated, for it was charged in his mind with great and alarming consequences. It was certainly the opinion of every man that a bill was immediately required for settling the government of the East Indies, and as the right honourable gentleman had said he was ready to bring in his bill, it surely ought to be their immediate desire to give him the opportunity. He called not for concurrence but a hearing. But it was said the House met under the dread of a dissolution, and it was wished that in the committee on the state of the nation they should come to some resolution to guard themselves from this danger. If this was their fear, why not at once bring in a bill to prevent the dissolution of the present Parliament? Was it the Minister to which they objected? Why did they not say so? They ought not to have suffered a day to pass without declaring that he had not their confidence. They had been strangely negligent of their duty not to have done so before the recess. Was it that they believed it was impossible for this country to be governed well, or to be governed at all unless it was in the hands of the noble Lord and the right honourable gentleman? If this was the case, why did they not say so? A fair, distinct and audible exposition of their designs would be better than propositions remote and equivocal. The fact was certain — That the House was pledged to the discussion of the India business: it was their declaration to the Throne, that they would
imme-

ment. It had been denied by many great lawyers that there was a prerogative of the Crown to dissolve the Parliament during a session, and while business and petitions were pending. Of this however he was certain, that there had not been an instance since the Revolution, of any such exercise of the prerogative if it did exist. Amidst all the contentions of party since that glorious period, the Parliament had never been dissolved during the business of a session. In the reigns of the miserable family of the Stuarts this sort of violence was not uncommon. Charles I. had done it; Charles II. had done it; and James II. had done it; and it was remembered—he hoped engraven on the minds of Englishmen—that when this violent measure was last perpetrated, which was as he said by James II. he had not been allowed to meet another. He dissolved one Parliament in the middle of a session, and it put a period to his violations of the constitution and to his reign. Great authorities, as he had said, had declared it as their opinion, that the Crown did not possess this prerogative. Lord Somers, for instance, in a pamphlet which he published, asserted the doctrine; and he quoted Lord Somers, because he was said to be the type of him who now held the seals. To be sure there were points in which the resemblance was peculiarly striking. In some however it failed, as in the particular of his succeeding to the seals after they had been held by a jobbing commission. This was an imputation which the rankest enemies of the late commissioners could not alledge against them, as was another to which the first commission was subject, that delay had been grievous to the suitors. This was an imputation which would not be brought against the late Commissioners, whose regularity, alacrity, judgment and fairness, had been the subject of universal praise. Whether it might not be ascribed to others more pompously held forth as the patterns of Lord Somers, he could not say. But the present holder of the seals was like this great character, for Lord Somers was remarkable for the affability, the mildness, the politeness of his manners; he was all gentleness and condescension; active and indefatigable in the performance of his duties; burning with the love of liberty, and zealous in the cause of the people. These undoubtedly were the peculiar characteristics of the present holder of the seals; and he, no doubt, imitating the great example of his archetype,

equally

equally inflamed with the sacred enthusiasm of liberty, would stand up and declare, that it was not consistent with the King's prerogative to dissolve the Parliament during the sitting of a session. Lord Somers supported this opinion on the act of King Richard II. Mr. Fox said he could not go with him that length, he was not lawyer enough to enter on the subject, but he did think that the necessity must be great indeed, which could justify the advisers of the Crown in a measure so violent and alarming as that at the best must be.

It was for the purpose of moving a very necessary and proper resolution to guard themselves against this danger, that he was anxious to go into the Committee: but, says the honourable gentleman, it is not right to disturb Government; we ought not to have opposition, "*delirant reges, p'æstuntur Achivi*," if he might be permitted to give the political, instead of the direct and classical meaning of this text of Horace, he should say it was that the Ministers of the King go mad, and the people suffer for it. He had no wish to make the situation of Ministers unpleasant to them; but he desired at the same time that their situation should be secured. He denied that they might go into the Committee to make it impracticable for Ministers to dissolve the Parliament. He knew that this had been thrown out as the design of Ministers, to intimidate the House, that they meant to do this. How had their implicit panegyrist said, if there was not a majority they would go down again to the people; they would appeal to the people; and they stood better with the people than their opponents — a story of which he did not believe one word. He fancied that this measure might depend on the issue of the question of that day—he believed that if Ministers found the House of Commons firm in their integrity and opinion — that they were not to be shaken by any, or by all the temptations which were held out, then he would be bound to say there would be no dissolution, for they would not venture to meet the consequence of a House of Commons rendered so vigorous by honesty and determination: but if they found them waver, if they found them timorous and unsettled, or corrupt and tractable, dispositions which he did not believe the present House of Commons would ever be found in, then the Parliament would be dissolved; for though they might gain a particular question, they would not think themselves sufficiently fortified with-

out a dissolution : and if they went down again to the people, he assured the House, they would depend more on certain advantages which they would give them in certain marketable boroughs, than on the opinion of the people.

But why not suffer the right honourable gentleman to move for his bill first, and go into the Committee on the state of the nation afterwards? for the clearest of all possible reasons. Because, if they were suffered to pursue this course, they feel the pulse of the House, and finding it is disagreeable to them, the next day dissolve the Parliament; whereas by going into the Committee, measures might be taken to guard against a measure so inimical to the true interests of the country.

The bill to be brought in by the right honourable gentleman, if he might argue from the resolutions and ideas thrown out in the public newspapers, was, in his mind, subject to infinitely more reprobation than the bill lately thrown out. It arrogated more influence, and it was an influence more dangerous because less open and avowed. It was a secret, in opposition to a public, responsible influence. The bill infringed on all the chartered rights of the Company, for the menaced violation of which they had been so loudly censured. It gave to the Ministers all the patronage of his scheme, but it perpetuated the abuses which his bill intended to remove. With every imputation of violence it had not the merit of efficacy, for it went to the establishment of a distracted Government, the disunion of which would be its weakness. It followed Mr. Dundas's bill in the creation of a third Secretary of State, and it did very little more than renew the bill of 1780. It possessed all that was objected to in the late bill, without containing any of that matter which was commended. It was to give an addition of patronage without energy, and of government without unity; it was impossible, in his mind, that the House of Commons could agree to this bill, or to any such bill, and he had too high an opinion of them to believe that it would ever be carried into effect.

It was said that he had got possession of the House by management, and that it was unfair; he conceived it to be the contrary. This day was appointed for going into the Committee on the state of the nation, and in order to prevent confusion, in order that it might not be made merely what it had been called, a question of strength, he had come down early to move for the order of the day, that
the

the House might come regularly to a question which he intended to move in the Committee.

“But if the present Ministers were disagreeable, why not move for their dismissal?” He did not think this was the precise way; he thought it was more advisable to give the most decided disapprobation of the principles upon which they came into place, and that they had done. They had declared these principles to be unconstitutional, and that they had come in on terms as disgraceful to themselves, as they were alarming to their country. The honourable gentleman had rejoiced in his absence before the recess, and indeed it was favourable to his repose that he was so; for thinking as he did of Ministers, wishing them well, and meaning to support them, it must have been ungrateful to him to have observed the low and shameful means by which they got into office; he had wished that the late bill had been thrown out by any other branch of the Legislature; this was really ingenious; he never heard an obscurity more oratorically argued; but it was this to which he in particular objected: it was thrown out ostensibly by the House of Lords; but actually by the secret influence of the Crown. It was by means of secret influence unconstitutionally exerted that this had been accomplished. But it was said, what evidence have you of this besides that of rumour? To this he would say, that he had rumours so strong, so substantiated, that it was impossible to withhold credit from them. In every corner they met one. He and his noble friends were Ministers at that time, and they had no authority to contradict the rumour. Those men who were the authors, or given as the authors of the rumours, were in that House, or there were persons nearly connected with them there, and they did not when called upon come forward to contradict the story. All this was pretty strong evidence that the rumour was true. But to be sure it was below the dignity of some men to attend to rumours, or to contradict them; yet it was to be remembered that the House upon that rumour had addressed the Throne.

“But it was no new thing for men not in office to give his Majesty advice.” Perhaps not; but it was a new thing for men having given such advice to come forward, and use the Royal name to influence votes. “Oh, but this is nothing, say they, if they avow their advice.” To this he answered, that it was something very material; for when any others than those who were by their office and duty respon-
T t t 2
sible,

sible, advised the King; their acknowledgment depended on their precarious magnanimity, a dependence which the Constitution would not respect.

An honourable gentleman had talked of his inordinate ambition. He confessed he was ambitious; but if his ambition was inordinate, who, after a pretty long parliamentary attention, aspired only to the second place, what must the quality of the present Minister's ambition be, who aspired to the first place, and who disdained subordination?

The honourable gentleman rejoiced, he said, that he saw none of those in the Cabinet who brought on the American war. He supposed he meant only he saw none of those in the House, for it so happened, that the Chancellor of the Exchequer was the only Minister in that House, and he certainly was free from the American war; but the honourable gentleman, he said, must see with strange eyes indeed, if he saw no members in the present Cabinet who contributed to the loss of America. His eyes at least were different, for he could see several who were most deeply involved in it.

But the honourable gentleman still wishes for more coalitions. It had always been his idea that there were, in cases of political variance and objection, but two means to be used. The one was, in case of delinquency, to inflict public censure, and where that was not pursued, public oblivion. This had been his motive in coalescing with the noble Lord; but in so doing he had lost the good opinion of the honourable gentleman; a matter very dear to him. He had many great friends, however, who agreeing with him in his idea, had their sentiments on other topics, and who might say to him, "What, would you listen to the invitation of this honourable gentleman, and coalesce with men who support Secret Influence? Would you coalesce with men who disdain to stand on the influence of good opinion, on the sentiments of the people, on the confidence of Parliament? Would you forget all the doctrines in which you have been bred? Will you creep into office by the Back Stairs, which you so loudly, and, as we think, so justly reprobate? or to take these men with whom you are invited to join, even on their best plea; Would you make part of an Administration which stands on the House of Lords, in preference to the House of Commons? You who have constantly reprobated the principle of Secret Influence; you who have always declared that you could only pay respect or take a share in that government which flowed from the opinion of the many, and not from the personal fa-
vour

vour of the advising few; would you so far forget the habits in which you have been bred, as at last to coalesce with those who have become the instruments of this accursed, abhorred Secret Influence? We cannot believe you to be capable of such atrocious apostacy from all principle." This he imagined would be their language, and he thought, though he might not go so far himself, they would be perfectly justified in this address to him.

He was one of those who imagined that nothing was so injurious as that men should conceive perpetual enmities to one another, because they had been hostile in debate. This he knew was the principle propagated by the Secret Advisers of the Crown, because there was nothing which they hated so much as confidence and connection. To destroy connection, and to prevent it; to separate those who were joined, and to keep those asunder who had accidentally differed, was their great object; for it was only by dividing men that they could expect to prevail.

But, says the honourable gentleman, the Minister is not inordinately ambitious; for last year, in less embarrassing circumstances than the present, he refused to become the Minister. It was difficult to say why, having refused last year, he had accepted of a worse thing this. It could only be reconciled on the principle, that a man having refused a good thing, felt such regret that he dashed into the first bad thing that offered. Perhaps he refused to come in last year, because then the principle would have been equivocal. He came in now, because in doing so he published a manifesto exposing the principles on which he acted.

"It was a trial of strength." It was no trial of strength between the present Ministers and those on his side of the House. If it was a trial of strength, it was whether this country was in future to be governed by a Ministry supported by that House, or by the Secret Advisers of the Crown? This was the question at issue, and he trusted it would be very soon decided.

In regard to the Prerogatives of the Crown, if from the little that he had read he might be allowed to state an opinion, those who had read more, and spent their lives better, might be able to correct him; but it was his idea, that the rights of the Crown, as well as the rights of Parliament, were not always to be exercised, merely because they were rights. For instance, it was the privilege of the House of Commons to refuse supplies to the Crown, and nobody would dispute it; but it was like many of the prerogatives of the Crown,

Crown, a privilege which could not be put into practice without much confusion; for who was to suffer? The supplies were granted to the King first undoubtedly; but they came to the people at last, and they must suffer if they did not come. It was so with the prerogative of dissolving the Parliament during a session; it was so with the right of the Crown to appoint Ministers not possessing the confidence of the people. The theory of our Constitution consisted in checks, in oppositions; in one part of our Legislature bearing up against and controlling another; but it was the practice of good men to moderate the temper of the Constitution, and in this practice a happy medium had been hit on at the blessed æra of the Revolution, temperate and accommodating, the good effects of which we had experienced for near a century; this was the road which many men, now in the opposite side of the House to him, had set out in. He recalled to their memory the case of Lord Carteret and Mr. Pelham, where the first, a man of more ability than the last, was supported by the Secret Advisers of the Crown; but the Commons properly addressed the Crown to state that he only could be a Minister with effect who had the confidence of the people. Would the Earl of Chatham have been brought into the closet of the King? Would he have meanly condescended to join with Secret Advisers, and have been made the dupe of a wretched junto? How was he treated by that junto? The moment he became formidable he was attacked; but, by his manly determination, he overcame the Secret Influence, and the King lived to rejoice that he had conquered his prejudices. When it depended on Secret Influence, the government never could be lasting, for it was the nature of jealousy to be capricious. One would imagine that one could not be jealous of that person whom we ought only to despise; and men would think, that on this principle the present cabinet would be safe, for it was composed of men who were in general of that description which folly itself could not be jealous of; but even they would not escape; by and by they would be suspected in their turn, and whenever they were established they would be dethroned. But the present Minister and his runners, boasted that he had the complete power, and was enabled to offer Peerages and every thing which the Crown was entrusted by the Constitution to bestow. Why had not we the favour, says he? Because we had the misfortune to have the confidence of the House of Commons. Why have the present Ministers got it? Because they do not enjoy the confidence of this House. Would any man believe,

believe, that the Earl of Chatham was personally disagreeable? Surely not, it was because he had the good opinion of his country. They now paid his son a bad compliment, for they took him up because they believed him to be unsupported. By and by he hoped he would become as just an object of jealousy as his great father was, and he trusted he would then act as he did. Party was vulgarly said to be the madness of many to the advantage of a few; but this was the advantage of it, that it gave stability to system, and therefore he had always been a party man. The Secret Advisers hate parties, not leaders. The question was not who shall be the leader, but on what principles they shall lead. It was a question therefore that differed from all other party questions; for it was a question of all parties against these Secret Advisers—between the House and a dark junto. He called on them therefore to go into the committee on the state of the nation, that they might prevent their dissolution; that they might not let the fears of death perplex their fancy; and when they had come to a resolution which would effectuate this, they might then enter on the India bill with security and spirit.—“But nothing had yet happened to make the dissolution of the Parliament necessary.” No! What did that signify? What but that something might happen, which might render it necessary. Let us, says Mr. Fox, go into the committee and render it impossible. Let us preserve the beauty of our constitution; of that happy practicable equilibrium which has all the efficacy of monarchy, and all the liberty of republicanism, moderating the despotism of the one, and the licentiousness of the other; that which was in theory proved to be fallacious, but which has been since the Revolution, so pure as well as so effectual. This was his object, and he called upon the House to accompany him to the Committee.

Lord *Mulgrave* spoke next. The allusion made by the Lord Mulgrave. right honourable gentleman to an expression which had fallen from him on a former occasion, made it necessary he should explain himself. It was true he had used the words “jobbing commission;” but it was to the commission itself, not to the Commissioners, that he applied the expression. He meant nothing disrespectful to them. They might have acted fairly and honourably in their situation; but he did not think it the most acceptable compliment in the world, that three men had been able to dispatch more business than one. (Mr. Fox whispered across the House, that this was an argument in favour of a Commission, and against a Chancellor.) He had heard a great deal about Secret Influence, but the subject was
not

not new; for he had heard the right honourable gentleman for many years together charge the noble Lord in the blue ribband with being the tool of Secret Influence, though his noble friend had constantly disclaimed it. He made no doubt, therefore, that the charge was not better founded when brought against the present Minister, than when it was brought against the noble Lord, who, during twelve years that he had been at the head of affairs, had never seen any thing of this Secret Influence.

Mr. Pulteney.

Mr. *Pulteney* thought this was not a time for mincing matters. Gentlemen ought to speak out, and, for his part, he was determined to do so; he would not, therefore, hesitate to say, that he was of opinion, that whenever it was suspected the House of Commons did not speak the language of the people, it ought to be dissolved: That suspicion was strongly entertained at present, as the House had passed a bill which the nation at large had reprobated; and the more resolutions they should enter into in order to prevent their dissolution, ought, in his mind, to accelerate their political death. After all that had been said about Secret Influence, he did not see the bad consequences that could flow from it, if it even existed; for as all the measures that should be advised by it, must be carried into effect by efficient Ministers, they must be the meanest of men, if they should stoop to measures not their own; and on the other hand, he must be a dastardly Minister indeed, who finding a Parliament adverse to measures which the nation approved, would hesitate to advise its dissolution. Did any man doubt, that a House of Commons might speak a different language from that of a nation at large? The support which the noble Lord in the blue ribband had met with in the Commons, contrary to the wishes of the nation in prosecuting the American war, would soon remove such a doubt. He would not scruple to say, that the late Minister formed a blockade round the sacred Majesty of England, and strove to strip him of every thing save the empty pageantry of a King.

Ld. North.

Lord *North* said, that the apprehensions which had been entertained of a dissolution of Parliament, and which had been treated as chimerical, appeared now to be but too well grounded, as the honourable gentleman said not only that it might, but that it ought to take place; and therefore the House would be now extremely well founded in proceeding to take such steps as might preserve their own existence, so necessary at this moment of confusion and difficulty, and which was much more so to the nation than to themselves. He
 confessed

confessed that his fears of a dissolution had considerably subsided, when he heard the answer from his Majesty to the address of the House; for it did not strike him, that it bound the King only to suffer the Parliament to meet again: In that case he would have said, that he would not prevent their meeting; but the words "interrupt your meeting," clearly shewed, that he meant to let them proceed to business. But his opinion had considerably changed; for now he found the friends of the Minister go so far, and speak so plain, as to assert the necessity of a dissolution. Their actions, indeed, spoke as plainly as their words; for they were travelling to the different extremities of the nation, almost from the *Ultima Thule* to the *Arctic Pole*, canvassing for votes. With respect to the Secret Influence under which he had been supposed formerly to have acted, he had often said, and he would now repeat it, that he never felt it during the twelve years he had been in office. He never found any opposition about the Court to the measures that he pursued; but it by no means followed from this, that no such influence did really exist; for if he did not find his measures thwarted, it might have been because they were relished by the Secret Advisers. There might have been a mine under his house, and though it was not blown up for twelve years, it was no proof that the mine was not there. It was no wonder that not knowing there was such a mine, he continued to dwell in the house; but he must be a madman indeed, who, with his eyes open, would build his house upon a mine, as his enemy might blow him up whenever he found himself disposed to do it. Secret Influence, which might formerly have been problematical, was now openly avowed. A Peer of Parliament had given Secret Advice, and gloried in it. He would not say, that a Peer, or a Privy Counsellor, had not a right to advise the Crown; but he would contend, that the moment he gave such advice, he ought to take the Seals, and become a Minister, that advice and responsibility might go hand in hand. The prerogative of the Crown to dissolve Parliaments was unquestionable; but prerogative could receive efficacy only from the support and confidence of Parliament; without these it would be a scarecrow prerogative, and without them the King would be nobody; but when the prerogative was supported by the confidence of the nation, it made the King somebody; it made him the greatest Prince in the world; and whoever would attempt to make him great without the support of Parliament and his people, would only deceive his Majesty, and disappoint themselves. The honourable gentleman [Mr.

Pulteney] says, that we wish to blockade the Throne, and render the King of Great Britain nobody, and to divest him of every prerogative, save the empty pageantry of royalty. We want to do no such thing, says the noble Lord, and whoever thus wantonly and grossly misrepresents our principles and motives of conduct, only exposes his own to their just contempt and ridicule, who know us better. Let those who insult the confidence of Parliament and the public, by opposing the Sovereign's inclinations to theirs; whose government, being the monster of Secret Influence, is unknown to the Constitution, whose strongest arguments in favour of this preposterous and detestable influence is the trite and pitiful scarecrow of prerogative, answer to the people for rendering the King of Great Britain nobody. We only wish to recover his dignity, and to rescue him from the mismanagement of those, who have thus basely and ingloriously reduced him. By restoring the public tranquillity, and giving a substantial permanency to Government, by re-establishing the independence of Parliament, and harmonizing the several branches of the Legislature, by reviving the spirit of the Constitution; and bringing back every prerogative of the Crown to an open, a responsible and an honourable exertion, our only real and ostensible object is to make our master somebody.

Mr. H.
Dundas.

Mr. *H. Dundas* wondered that the noble Lord was not able to speak more decidedly with respect to the existence of a secret influence; it was a wonder he could live twelve years over the mine without once seeing or smelling it out. The noble Lord was called the active and passive instrument of that formidable secret influence, of the existence of which he might be supposed to be able to give the best evidence of any man in the world, and he could not give the least account of it: well therefore might it be treated as a bugbear. The noble Lord had taken a great deal of pains to prove propositions so evidently true, that no man could dispute them: the King without the support of his people was nobody; with it he was a great Prince; but where was the ground to suppose that in the late changes the King had not the countenance of his people. He advised the noble Lord, however, not to use out of the way expressions, which might be remembered to his disadvantage, when the circumstances with which they were coupled, and would justify them, might be forgotten. Of this kind was the expression of scarce-crow prerogative. A learned friend of his (Mr. Lee) was greatly misrepresented in public, by
being

being charged with having said abstractedly, that a charter was but a piece of parchment, with a piece of wax dangling to it. He made use of these words in a sense that was perfectly true; but these words alone were remembered, and had given rise to some prints and much satire, and particularly a friend of his (Mr. Boswell) in a public letter had asked, "What was the great harm of hanging an Attorney General; an hanged Attorney General was only a carcase dangling at the end of a rope."

Mr. Dundas said he knew nothing of the resolution or address of this House to his Majesty against a dissolution of Parliament, till a paper was circulated against him, with a view, no doubt, to impede his election. This paper stated, that an immediate dissolution was now inevitable, and that the freeholders of the county he represented ought to withhold their votes, as one much more worthy than him would at the general election become a candidate. He soon understood whence these kind hints originated. He gave them no answer whatever; they deserved his contempt, and they had it. But this anecdote was a proof in point, that every species of secret influence was not confined to his Majesty's Ministers; nor even to the closet advisers as they were called, but that even those who raised the greatest clamour against whatever could bias the minds of the electors, could, to promote their own factious and aspiring ambition, descend to the same arts.

General Conway was astonished at the new doctrine that he had this day heard from a new Minister, "That he held it his duty not to make comments, or give verbal explanations of an answer given by his Majesty to that House." Hitherto he understood that every speech and answer from the Throne was to be considered as coming from the Minister; but he was this day taught by a new Minister, that all former opinions on this head were unconstitutional. Those who were advocates for the absolute prerogative of the Crown in calling and dissolving Parliaments, unchecked by discretion, ought to look back to the history of this country. Charles I. used to dissolve Parliaments at his pleasure, as did also Charles II. The unfortunate James II. trod in their footsteps; but these dissolutions cost the first his head, and the last his kingdom. He then drew a contrast between the Earl of Chatham and his son, the present Minister: the former quitted his office because he found about the Throne something greater than the King himself; while the latter was avowedly introduced into the Cabinet by that very

something which had driven his noble father from it. The wording of the King's answer, which the Minister refused to explain, was obscure; why could not the right honourable gentleman come forward, and declare openly and unequivocally, that the Parliament was, or was not to be dissolved? This was a point on which the House had a right to call for an explanation.

The aspect of things, says he, in this country, at present does strike me as not a little problematical and portentous. A Ministry forced upon this House against their consent, submitting to situations which must load them with contempt, and evidently meditating a dissolution of Parliament, in circumstances of the most alarming nature, are objects which it is impossible to contemplate without horror and astonishment. And what is it we possess to alleviate this uncommon pressure? or, in the midst of so much obscurity and suspense, affords the least glimmering of hope? The spirit of the representatives of the people alone seems to rise with the dangers which threaten their privileges. It is now that the House of Commons answers the end of its institution, and proves, not in speculation but in practice, the glorious palladium of our rights. Nor is this the first time that the people and constitution of England have found a safe and permanent asylum in the magnanimity and patriotism of the Commons.

Mr. Chancellor Pitt.

Mr. Chancellor *Pitt* rose, and replied to a variety of matters that had been urged against him in the course of the debate, as well on the ground of secret influence, as on the principles on which he had come into Administration. He declared he came up no back stairs; that when he was sent for by his Sovereign to know whether he would accept of office, he necessarily went to the Royal Closet; that he knew of no secret influence, and that his own integrity would be his guardian against that danger; but the House might rest assured whenever he discovered any, he would not stay a moment longer in office. He would neither have the meanness to act upon the advice of others, nor the hypocrisy to pretend, when the measures of an Administration in which he had a share were blamed, that they were measures not of his advising. If any former Ministers took these charges to themselves, to them be the sting. Little did I think, says he, to be ever charged in this House with being the tool and abettor of secret influence. The novelty of the imputation only renders it so much the more contemptible.

temptible. This is the only answer I shall ever deign to make on the subject, and I wish the House to bear it in their mind, and judge of my future conduct by my present declaration: The integrity of my own heart, and the probity of all my public, as well as my private principles, shall always be my sources of action. I will never condescend to be the instrument of any secret advisers whatever, nor in one instance, while I have the honour to act as Minister of the Crown in this House, will I be responsible for measures not my own, or at least in which my heart and judgment do not cordially acquiesce. With regard to the questions put to him, as to the dissolution, it did not become him to comment on the words of a most gracious answer of the Sovereign delivered from the throne; neither would he presume to compromise the Royal prerogative, or bargain it away in the House of Commons. When his honourable friend, in whose hands he considered his honour to be as safe as in his own, before the recess, in his name, and by his authority pledged himself to the House; that he (Mr. Pitt) would not advise a dissolution, such at that time had been his real sentiment; he could not at present say more, but he hoped nevertheless, the House would now consent to receive and go into the consideration of his India bill.

Lord North rose and warmly replied to Mr. Pitt's attack upon him, which he declared was the most gross and scandalous he had ever heard in Parliament. He flatly and explicitly denied the charge of acting either meanly or hypocritically on any occasion whatever. His Lordship explained his conduct, and having cleared himself, desired to give back the terms meanness and hypocrisy, to the right honourable gentleman; they might belong to him, he would have nothing to do with such epithets. Ld. North.

Lord John Cavendish, in a short speech, lamented that the prerogative of the Crown should have been of late so often mentioned. He said, he had heard it more frequently within those walls during the last ten months, than the preceding thirty years. Lord John Cavendish.

Mr. Sheridan attacked Mr. Pitt in terms of great severity. He said if the right honourable gentleman applied hard words to other gentlemen, he should take the liberty of attacking him with the same weapons. The right honourable gentleman had behaved that day not only with the utmost hypocrisy and meanness, but had held the most insulting language and the most unconstitutional he had ever heard. He reminded the House of Mr. Banks's words before the recess, Mr. Sheridan.

recess, when he had pledged himself to the House as he declared, by the authority of the right honourable gentleman, that there should be no dissolution nor prorogation of Parliament, and had said, his right honourable friend not only would not himself advise any such measure, but would hold himself bound to quit his office if any such measure was adopted by his colleagues. Mr. Sheridan reminded the House also, that Mr. Banks had desired to be furnished with stronger language to express what he said to the House, if the House were not satisfied with his words. Mr. Sheridan also attacked Mr. Dundas with considerable poignancy, wit and humour. After answering the serious parts of his argument, he touched upon the pleasant points in his speech, and said it was so unusual for the learned gentleman to indulge himself in merriment, that he presumed the success that had attended the arts practised to corrupt the majority during the recess had given him a new flow of spirits, and encouraged him to think he should keep his place. The learned gentleman seemed to be in better humour with newspapers than usual; his speech he said, might fairly be deemed hints for paragraphs and sketches for prints. He did not doubt but his hint was already taken, and that the next morning they would see the print he had recommended: he hoped, however, they would be favoured with a companion, and that another figure, a striking likeness of the learned gentleman would be engraved, with a scroll out of his mouth, on which should be written "appeal to the people." Another print might also contain a similar figure, and underneath might be wrote "an advocate for chartered rights," which might be symbolically expressed by his holding his own India bill in his hand. After diverting the House excessively with these and other laughable ideas, Mr. Sheridan returned to seriousness, and read a passage from the Journals in the reign of Charles II. to shew that secret influence then prevailed, and what was not a little remarkable, he said, was, the agent's name was Temple, but he happened to be only in progress to nobility, and was a simple Baronet, not a Peer. He went at considerable length into the question at issue between the prerogative of the Crown and the privileges of the Commons, and illustrated by several very apt and beautiful examples, the new idea of Mr. Fox, that the practice of our Constitution was more perfect than the theory.

Mr.

Mr. *Banks* rose to explain what he had said in the debate of December 22, as referred to by General Conway and Mr. Sheridan, and recapitulated pretty circumstantially what he had said and what had passed during his speech, but he declared he did not remember the exact words, in which his right honourable friend had commissioned him to assert that he would not advise a dissolution. Mr. Banks.

General *Ross* rose next, and spoke for some time while the House was in disorder, explaining the manner in which he had voted during the three sessions that he sat in Parliament. At length the General called upon the House to pay attention to two facts worthy their notice. The one was, that he had been sent for by a noble Lord, to whom he was perfectly well known, that the noble Lord had questioned him as to the manner of his voting in Parliament, and had told him his name was down in the list of Members who always voted with Mr. Fox. That he had been surprised at hearing this, and declared he had given no authority to have his name put upon any such muster-roll; but he acknowledged he had generally voted in that manner, and while he entertained the same good opinion of Mr. Fox and his friends, and thought their measures right he would continue to vote with them. Upon this the noble Lord informed him, that if he voted against the new administration on the 12th of January, meaning that day, he would be considered as an enemy to the King. The General declared his feelings were shocked at this information as he would not suffer any man to control his vote. The General proceeded to state his other fact, but the hum and buz this piece of intelligence occasioned prevented our hearing the rest of what he said. Gen. Ross.

Mr. *Lee* said what had fallen from the worthy General ought to have more weight with the House, than all the arguments, excellent and powerful as he was ready to confess they were that had been used in favour of the motion for the order of the day. Here was no longer a mere rumour of influence to be shuffled off under the pretence of its being a rumour, here was a direct and palpable proof of undue influence having been practised on a Member of that House. Would gentlemen want any stronger justification of the resolution come to by the Committee before the recess? Surely no better proof was necessary, no stronger need be required. Mr. Lee distinctly recapitulated General *Ross*'s narration, and having done so, he said, as he Mr. Lee.

was.

was upon his legs he would take notice of another matter: A learned friend of his had done him no more than justice, in declaring, that he did not believe on a former occasion he meant to talk lightly of charters. He certainly did not, and however his expression might have been thought too flippant or too full of levity for such a subject, had he been talking of six acts of Parliament he should have said exactly the same. He had not merely talked of charters generally so considered, but of the East India Company's charter, as peculiar and distinct from all others; as a charter which had proved a curse to mankind, had been productive of infinite mischief, and which, compared to the object to be gained by its intended violation, the safety and happiness of thirty millions of people, and the preservation of a mighty empire, was and ought to be of little or no consideration. With regard to the idea, that to violate charters was to violate the constitution, and to infringe upon Magna Charta, there was not a penal statute which authorised summary proceedings, as in the great and important cases of a man's taking a hare or a partridge, that was not unconstitutional, and did not trench upon Magna Charta. They all authorised committing a man to jail without trial by his peers. Mr. Lee enforced this with other instances, and said, as it was well known that every subject in the kingdom might petition the Crown either to call Parliaments together, or to dissolve them, it was absurd to suppose that that House could not do in its collective capacity as the representatives of the Commons of England, what every one, the poorest and meanest of their constituents was legally authorised to do. Mr. Lee added other arguments equally cogent and convincing with regard to the constitutional right of that House to address and advise the Crown as to the exercise of its prerogatives.

Mr. Gilbert, Mr. Arden, Commodore Johnstone, all spoke strenuously in support of Mr. Pitt's desire to have the order of the day waved, the Governor pressed the House to proceed immediately to the consideration of the India bill.

Lord Frederick Campbell.

Lord *Frederick Campbell* said he had voted for the address, because he thought the going up to the Throne upon such a business perfectly constitutional and becoming, but there he would make his stand, and would go no farther. He construed the answer they had received as a most gracious one, and he was persuaded no man would dare after such an answer, to advise a dissolution. His Lordship declared he

he saw no reason for going up with another address, and therefore he should vote with Mr. Pitt; he was anxious to see the bill; he had voted for the other bill, and which ever bill appeared to him to be the best, let it be whose it would he cared not, by that he would abide.

Mr. Rigby rose next and said he came down fully convinced that no dissolution was intended. That his Majesty's answer to the address of the House had filled his mind with the very same sentiments as were entertained by the noble Lord who had spoken last; nor should he have altered these sentiments but for what he had heard in the debate. He was now convinced that a dissolution was intended. If the noble Lord had but attended to the Ministers, their conduct must have flashed conviction upon him. Was it not obvious that they were afraid to speak out; that they dared not rise and say at once, there would be no dissolution? Mr. Rigby said, perhaps there were so many Ministers, some the House did know, and some the House did not, that while the one set were acting one way, another were planning and proposing other measures elsewhere. Perhaps the answer given to the House from the Throne before the holidays, was the production of the Minister who had been in office but six hours, and being now out of office, being only ostensible and not efficient, the present Ministers were not responsible for it, and thus sheltered themselves from not fulfilling it. Be it whose it would, if any Minister had put such a fallacy into the most sacred mouth in the kingdom, with an intention to deceive that House, he had grossly insulted that House, and been guilty of a piece of duplicity, of an act of meanness, that would have disgraced the lowest pettifogger in practice — a Newgate Solicitor, he was persuaded, would have been ashamed of such a low, scandalous mode of deception. Mr. Rigby said farther, that the honourable gentleman, the Minister of the day, had not only acted in a very strange manner, but it was a little extraordinary, that his friend happened not to remember what had passed between them only three weeks ago. Why did not the Minister speak out? He had used the most unconstitutional language that day he had ever heard within those walls. Not comment on the answer from the Crown! No! What were all the speeches from the Throne then? Was it not the constitutional privilege of every man in that House to treat the speech from the throne with the utmost freedom? Besides, it was the peculiar duty of Ministers to answer every constitutional question

question put to them in that House, not the questions of individuals indeed, but such as clearly carried in them the sense of the House in general. Mr. Rigby pursued this theme in his usual stile of plain sense and obvious argument; and after very liberally venting his indignation upon those who had been instrumental in deceiving that House, he conjured gentlemen to take care of themselves; and said, they had nothing for it, no possible means of securing themselves from the horrors of hasty dissolution and all the evil consequences of sudden death, but to vote manfully in the Committee for such constitutional and personal questions, as should seem most likely to answer the end proposed.

Mr. Scott. Mr. Scott answered a great part of Mr. Lee's argument very ably.

Lord Maitland. Lord *Maitland* begged to know of General Ross, whether the noble Lord, alluded to in the intelligence that he had communicated relative to undue influence having been practised on him, had any office in Administration, or near the person of the Sovereign?

Gen. Ross. General *Ross* declared, the noble Lord in question was a Lord of the Bedchamber.

General Smith said a few words about the India Bill, and Mr. Thornton made a short speech against the order of the day.

Mr. Fraser. The honourable Mr. *Fraser* said, all the indulgence he should ask of the House at that late hour, was to be heard in one declaration. After the rumours whispered abroad, and the declarations within those walls, lately made by an honourable gentleman, he begged to be indulged, and declared that he was not pledged to vote on either side; that he was not to be menaced or warped, nor should he declare on which side he would vote in that House; but to this he pledged himself, that if the madness of the times forced him, or called for it, he should defend the Constitution of his country, and the present Royal Family of Hanover with his life, his reputation, and all that was dear to him; and this he declared was all he had to say.

At length the question was called, and the gallery being cleared of strangers, the House soon after divided, it being then half past two in the morning. Ayes for the order of the day 232; Noes, 193. Majority 39.

The order of the day was read, and Mr. Hussey took his seat at the table, as Chairman of the Committee on the State of the Nation. Mr. Fox then rose, and moved,

“ That

“ That it is the opinion of this Committee, that for any person or persons in his Majesty’s Treasury, or in the Exchequer, or in the Bank of England, employed in the payment of the public money, to pay or direct, or cause to be paid, any sum or sums of money, for or towards the support of the services voted in this present Session of Parliament, after the Parliament shall have been prorogued or dissolved, if it shall be prorogued or dissolved before any Act of Parliament shall have passed, appropriating the supplies to such services, will be a high crime and misdemeanor, a daring breach of the public trust, derogatory to the fundamental privileges of Parliament, and subversive to the Constitution of this country.”

This was supported in a very able speech from Sir Grey Cooper, and another from Lord North. It passed however without a division.

Mr. Fox next moved,

Mr. Fox.

“ That it is the opinion of this Committee, that there be laid before this House accounts of the several sums of money issued, or ordered to be issued, from the 19th day of December, 1783, to the 14th day of January, 1784, inclusive, to any person or persons towards naval services, and for the charges of the office of Ordnance, or to the Secretaries of his Majesty’s Treasury, or to the Governor or Clerks of the Bank of England, on account of the Paymaster General of his Majesty’s forces, or in any other manner whatever, for and towards services voted in the present session of Parliament, but not yet appropriated by any act of Parliament to such services.” And to this he would add, “ That no monies should be issued for any public service till that return was made, and for three days afterwards.”

This motion called forth some objections from Mr. Brett, Mr. Brett. who said it would stop the whole machine of Government at once; that there were Exchequer Bills and other bills daily coming due, and that infinite mischief would ensue from such a resolution being adopted. It was enough for him however, to have warned the House of the danger of the measure; and he desired, for one, to be considered as having washed his hands of it altogether.

Mr. Fox replied with great pointedness, and appealed to Mr. Fox. the conduct of opposition previous to the recess, as an unanswerable testimony of its moderation, and the wary caution with which all its measures had been taken, under the obvious design of abstaining from any one step, that could in the most distant degree tend to embarrass Ministers in their management of the national business, or affect the

public interest. He said, if any mischief did ensue in consequence of the resolution's passing, his Majesty's Ministers and their adherents ought to take the whole blame upon themselves for having made such a resolution necessary to be voted by that House in its own defence. They were answerable to the country for all the confusion and anarchy they had occasioned, and all that might hereafter happen in consequence of the rash and inconsiderate conduct their absurd and mad ambition had prompted and brought on. Of that the honourable gentleman could not wash his hands; and, therefore, while he stood chargeable as being a participant in creating the cause of an extensive mischief, it was ridiculous and idle for him to endeavour to clear himself from bearing his share of responsibility for the consequence. If any particular sums likely to become due, and to be drawn for within a few days, could be stated, he should have no objection to insert words in the resolution, providing an exemption for such specific sums.

Mr. Hufsey.

Mr. Hufsey was proceeding to put the question on the first motion, when Mr. Brett rose again and urged some farther objections as to the proposition of restraining the issues of public money.

Sir Grey
Cooper.

Sir Grey Cooper in reply said, the motion then about to be put was perfectly innocent, and such as the honourable gentleman's objections could not be applied to, as it was merely a motion for an account of issues already made. Sir Grey stated, that such an account might be made out the next day; and therefore, though the other motion, which the right honourable gentleman had read, might be attended with some little inconvenience, it could be but of trifling consequence, as the restraint it ordered was to be in force only five days in all, three after the return to the motion, then in the Chairman's hand, was made.

Mr. Pitt.

Mr. Pitt rose and said, he meant to urge no objection, because he was convinced it would be fruitless. He thought it fair, however, to declare, that when the return was made, the House would find issues had been lately made as the necessities of public affairs required.

Mr. Fox.

Mr. Fox said, he had no doubt of the fact; and he was persuaded, no man would consider his Majesty's present Ministers as at all to blame for having directed those issues. They had only done what every preceding Administration had done before them; and without doing which, he was perfectly conscious the public business could not possibly proceed. As it had been suggested, that the second motion might

might prove inconvenient; and as nothing could be farther from his thoughts, and the thoughts and intentions of those with whom he had the honour to act, than to do any thing that might embarrass Government, and distress them where they ought not to be distressed, he said he would willingly wave the second motion for the present; but he hoped what had passed would serve as a notice to the House, that the same motion would be brought forward in a few days, if the same occasion for it should continue to exist.

The resolution for the account of the issues lately made, was then proposed and carried.

Mr. *Eden* observed, that the manner in which his right Mr. *Eden*. honourable friend had withdrawn the motion, purporting to restrain the farther issuing of public money for a few days, upon a suggestion that it might possibly occasion some inconvenience, was one proof among many of the extreme caution, moderation and delicacy, with which the late Ministers and their friends were disposed to act. He desired, however, to inform gentlemen who might otherwise feel some uneasiness upon the subject, that the withdrawing this vote did not open any facilities for the menaced dissolution of Parliament. In truth, it was become politically impossible, under the first resolution, for one sixpence to be paid either to the army or navy; or to any of the public services of the year, if a dissolution should take place prior to the act of appropriation. He added, that there were some other inferences resulting from his right honourable friend's first proposition, which well merited the attention of every man in the kingdom, and which he trusted and hoped would, in the first hour of quiet recollection, be properly felt, and generally understood. To the advisers, if any there were, of an intemperate use of acknowledged prerogatives, it was an intimation that such advice would produce nothing more than a strict assertion of Parliamentary rights. To the Ministers of the day it was a lesson upon the temerity of undertaking the government of a people, without possessing the confidence of their representatives. To the Treasury Board, the Auditor of the Exchequer, and the Bank Directors, it was a notice, that the House of Commons, which had only originated its grants, and still retained the legal right to control and qualify those grants, would not permit them to be made the instruments of public mischief and confusion. To the Members of that House it afforded the satisfactory assurance, that a consistent firmness and conscientious freedom of conduct had not exposed them to be harrassed and disturbed by expensive

pensive and vindictive re-elections; and lastly, to the public at large, it gave this great consolation in the midst of the present convulsions of good government, that it was an utter impossibility to add to the various difficulties of the times by the rash dissolution of a Parliament, which (previous to the late interruption) was industriously and honestly employing itself in the protection and improvement of the revenues, the commerce, the public credit, and the possessions of this kingdom.

Mr. Fox.

Mr. Fox said, what he had hitherto proposed was with a view to provide against a sudden and immediate dissolution of Parliament; he had one motion more to offer, calculated with a view to prevent a dissolution at a more advanced period. That was the only motion he should propose then, but as some other gentlemen had motions to make, he hoped the House would not separate, when he had moved the resolution he had just alluded to. This resolution was, "That it is the opinion of this Committee that the Chairman of the Committee be directed to move the House, that the bill for punishing mutiny and desertion, and for the better payment of the army and their quarters, be read a second time on Monday the 23d day of February next."

This, Mr. Fox said, would allow ample time for passing the bill into a law before the present act expired.

Mr. Chancellor Pitt.

Mr. Chancellor Pitt said he had no objection; but the honourable gentleman seemed not to be aware that his object would be as fully attained without the resolution as with it; since he would at all times have it in his power to prevent the second reading of the bill till his end was answered.

Mr. Fox.

Mr. Fox admitted the truth of the right honourable gentleman's observation, but assigned his reasons why it was necessary to have the matter stand formally entered on the journals. The resolution was agreed to.

The Earl of Surry.

The Earl of Surry then made a few general observations on the critical and alarming situation of affairs, and of the events with regard to a change of Ministers that had lately taken place, by way of introduction to a resolution, declaring, "That it is the opinion of this Committee, that in the present situation of his Majesty's dominions, it is peculiarly necessary, that there should be an Administration which has the confidence of this House and the public."

His Lordship concluded with moving his resolution.

Mr. Dundas.

Mr. Dundas said, he knew not whether the name of his Majesty had been accidentally or intentionally left out of the

the motion, but as it was to the full as necessary that an Administration should possess the confidence of the Crown, and of the other House of Parliament, as the confidence of that House and the people; he should move to amend the motion by changing the phrase, and inserting in the room of the words of the latter part of it as it then stood, the words "of the Crown, the Parliament, and the people."

The Earl of *Surry* said, he had thought it improper for that House to mention the other House of Parliament, in a resolution which more immediately concerned themselves; that it might be construed by the other House as an indignity, and that he saw no reason whatever for agreeing to the amendment.

Sir *Watkin Lewes* said, he could not give his consent to that motion, as it seemed to recommend persons whom, though they might have the confidence of that House, yet had not the good opinion of the public, and whom his constituents intended to vote an address of thanks to the Crown for having dismissed from the administration of the public affairs of this country, to one of whom they attributed all the calamities which had befallen this devoted kingdom. He added, that his constituents might instruct him to move for an enquiry into the conduct of one of those persons who had dismembered the empire; and which enquiry ought, in his opinion, to prevent his being again taken into power.

Mr. Alderman *Sawbridge* reminded his honourable colleague, that though a Court of Common Council was summoned to consider of such a proposition, yet that no such measure had yet been proposed, and therefore it was rather premature to object to the motion, merely on the idea of what the Court of Common Council might resolve upon.

Mr. *Arden* said a few words in disapprobation of the motion, but after what he had seen, he declared he should not attempt to oppose it. He would make no apology for rising at that late hour; if it was fit at such an hour to make such a motion, it was fit for him to speak to it. He said he should wonder at nothing the House did in such a temper; perhaps they might next resolve that it would be a high crime and misdemeanor for the Court of Common Council to vote any such address as the worthy magistrate had just alluded to; such a resolution, he declared, would be full as warrantable, in his opinion, as those they had already come to. He declared he saw no occasion whatever for the motion then under consideration. Who doubted the fact,

fact, that every Ministry ought to have the confidence of that House and the people?

Mr. Fox.

Mr. *Fox* and several other members spoke to this motion, reprobating the amendment, and urging the reasonableness and the necessity of the resolution. Mr. Fox told Mr. Arden, that all that had passed in that House for the last week preceding the recess, as well as that day, might have convinced him and his friends, that the present Ministry had come into power upon such principles as were unconstitutional and odious to the majority of the representatives of the people, but the learned gentleman and those near him were determined not to see what stared them in the face; they were under the necessity therefore of making specific motions, and placing matters in so broad a light, that even the most wilful and perverse affectation of not believing the fact should no longer continue to avail them, but that they should be obliged to acknowledge it, in spite of their determination to discredit it.

The amendment was negatived, and the original motion carried.

The Earl of Surry

The Earl of *Surry* next proposed a farther resolution, "That it is the opinion of this Committee, that the late changes in his Majesty's Councils were immediately preceded by dangerous and universal reports that his Majesty's sacred name had been unconstitutionally abused to affect the deliberations of Parliament, and that the appointments made were accompanied by circumstances new and extraordinary, and such as do not conciliate or engage the confidence of this House."

Mr. Powys.

Mr. *Powys* spoke very strenuously against it. He declared, after what he had seen, he thought he would never speak to a political question again in that House; the present however was not a political question, but a question of justice, to which he thought it his duty to attend. Mr. *Powys* then reprobated the motion as proceeding upon facts without proofs, and pointing censure before criminality of any kind was established.

Mr Scott.

Mr. *Scott* entered very warmly into the affair mentioned by General *Ross*, and repeated afterwards by Mr. *Lee*, relative to the General's having been told by a noble Lord, a Lord of the Bedchamber, that he should be considered as an enemy to the King, if he voted on that day adversely to the Administration. Mr. *Scott* said, if the fact was as the honourable General had stated, it must have happened in two ways, either as a public matter, without any wish to have it

it concealed, or in private confidence. In either case it ought not to have been mentioned in the manner in which it had been mentioned; if it was said to the General in private confidence, he had no right to betray that confidence; if as a public matter, and no secret, the General ought to have stated as much to the House. Mr. Scott declared his entire disapprobation of the present motion.

Mr. Lee in a short speech defended the motion; and Mr. Lee justified his former argument about General Ross.

Governor *Johnstone*. Notwithstanding all that has been said, it does not appear to me that the debate has yet been put upon its true ground. This opinion must prove my excuse to the House in persisting to deliver my sentiments after being up so often without meeting your eye. I admit, with the speakers in opposition to his Majesty's Ministers, that the situation of the country is truly alarming, and the crisis big with the most serious apprehensions to those who consider the characters of the different actors in the matter in dispute. Who are to blame in producing this crisis, verging upon those convulsions which always loosen, and generally unhinge, the whole frame of government, is the question. It is alledged by the leaders of opposition, that a young man, impelled by inordinate ambition, and leagued with crafty, discontented, prerogative courtiers, by means of secret influence, has obtained the reins of government, dispossessing men of great ability, who were in the path of re-establishing the affairs of this distracted government, redeeming its glory with foreign nations, and producing vigour and harmony in the different springs of its internal government.

It is alledged on the other hand, that those gentlemen now in opposition, instead of pursuing the plans of restoring the honour and prosperity of the country, by checking abuses, and promoting the public interests, upon finding in the seeds of their union, a general discontent both in the King and the people against the motives which produced so unnatural a coalition, they therefore had formed a plan for securing their power against the attempts of both.

This plan produced the East-India bill, giving all the patronage and consequence, and most of the profit of the territorial acquisitions and commerce, to run in the channel of them and their substitutes, to be managed by nominees to be appointed by the House of Commons from amongst the Members of Parliament, violating all the rules of justice,

in seizing the property of the East-India Company, and erecting a new executive power in the Constitution, derogatory to the rights of the Crown, and subversive of all those principles by which the wisest writers on the government of Great Britain have described the balance to be maintained between the three essential powers constituting the Legislature.

These are the allegations on both sides; and we are now to consider by what proofs a just decision is to be formed on the subject. Those who support the arguments of his Majesty's present Ministers, among whom I am one, produce the East-India bill, and refer you to the comments that have been made upon it by the wisest and most impartial men in the community; which bill becomes daily more and more detested, as the spirit with which it is drawn, and the artifice by which it was carried so far in the progress towards being passed came to be considered. I take upon me to say, that there is no company in which I have entered, there is no private gentleman of apparent knowledge with whom I have conversed, who does not universally acknowledge the danger of such an experiment upon our Constitution, and regard the rejection of that bill as one of the greatest victories over its political enemies in the different careers of inordinate ambition with which this country has been assailed in its progress to perfection. I do not presume to say that these sentiments have as yet pervaded the lower orders of men, or are the opinions of this community. The dangers arising from political institutions when disguised by the arts of great and able Statesmen, are not at first obvious to the wisest capacity, and make their way by slow degrees through the community: they are, alas! for the most part, only discovered after the effect has been produced. Thank God, in this case the blow has been ward off for the present; but whether there is sense or virtue sufficient to defend us against this machination in the end, is the cause of the struggle upon which we are assembled to decide. These, Sir, are the charges produced on one side, and the East-India bill is the evidence. By this bill the King was to be deprived of his dearest prerogative, that of executive magistracy; a few days would have brought him to the doubtful and disagreeable situation of tamely yielding up by his own consent, the just rights of his Crown, and erecting subjects into equal power
and

and executive authority to his own; and thereby establishing Ministers independent of him, or using his negative against the sense of his Parliament. The virtue of the House of Lords relieved his Majesty from that disagreeable alternative.

Instead of allowing that this interposition came in the natural course of the regard to the constitution which is to be expected from that venerable assembly, all the horrors of the bill are sunk in the discussion, and we are told that the rejection of the bill proceeded entirely from secret influence. But what proof have we produced of the secret influence? It is a fine catch-word of a party to amuse the credulous vulgar, and to raise discontents against the Sovereign or particular persons; but judging of the validity or consequence to be derived from such assertions, it is to be remarked, that the same cry, with equal assurance as to its veracity, was for many years asserted against the noble Lord in the blue ribband; but he now assures you, that no such influence ever existed to his knowledge; and indeed his Lordship must either confess that such was the case, or subscribe to his own meanness (which I am far from either imputing or believing) in continuing to act under it; because it is impossible for any Minister to say, when he is acting in office, that provided secret influence exists, he does not feel its effect; but what stronger assurance can the party who affect this secret influence demand during the period of Lord North's administration, than his own assurances when acting in the most perfect concert of perpetual union, and willing to avail himself of the present cry by every insinuation, yet when called to speak positively as to his own period, his Lordship is forced to declare, that this accusation is false and groundless respecting himself?

Are not we bound then to consider it as false and groundless respecting others until some proof is adduced? Here, then, as impartial judge, declaring myself free and independent, without any political engagements whatsoever, I call upon those gentlemen now, as I have done frequently before during these discussions, to produce me the proof of the secret influence which effected the late change of government. If I see a dead body with many desperate and mortal wounds sufficient to account for the dissolution, shall I listen to the insinuations of malicious ruffians who probably gave the strokes, that the person had died of poison secretly administered? I would as soon believe in witch-

craft or the Cock-lane ghost, as to think that the late Administration was dissolved by secret influence.

By all the accounts which the complainants publish, it appears to me to be an open and an avowed proceeding: a noble Lord, becoming his dignity and his station, seeing the fatal consequences of the East-India bill, both to his Majesty and his subjects, is said to have demanded an audience, and fully explained those consequences. The nobleman was enabled to relate the effects of this conversation to some of his friends, which naturally led first to resisting the measure with more effect; and lastly, to the change of Administration in the only way on which Administration can with propriety be altered. To deny his Majesty the power of conversing with his subjects, so as to form a new arrangement previous to his turning out his then servants, would be depriving him of the power of ever changing his Ministers, when perhaps the best security the public possess of their being induced to attend to the public interest, is the prospect before their eyes that they may be returned to the mass of the people.

The gentlemen around me have talked of desertions, imputing all the merit of steadiness to the adherence to men in whatever tergiversations they may make. According to my political creed, whoever delivers up his conscience and his opinion to the will of another, makes over the most precious trust which God has delivered to him, upon a security incompatible with the dignity of a noble mind. Friendship with men growing from corresponding sentiments is always to be cultivated, and never slightly broken; but to turn like a post horse, to run the mazes of the timid hare, to go as directed, and follow merely as others guide, without any conscious virtue from a rectitude of conduct arising from the conviction of our own will, is a situation so mean, that such characters shall receive no praises from me in stating their consistency. To hear gentlemen talk of this kind of desertion and to forget the desertion of their own principles, registered and recorded to the world, destroying by their actions of 1784, all that they have said or done in 1773, is one of those proofs of political depravity which makes men sick of all political pursuits, and gives those opinions to the public, that every man is equally involved in the pursuit of self-interest, which is productive in the end of those vicious convulsions to be found in the latter ages of most of the great empires that have

have existed in the world, to which period I am afraid this country is hastening with too rapid strides. In such a dilemma what could his Majesty do, or those of his subjects who saw the East-India bill in the light I have described it? He must either change his Administration, taking the chances of the struggles in which we are now involved, or submit to a certain evil equal in the bad consequences to any thing that could be apprehended from those struggles. It was just and natural to believe, that the good sense of the House, upon calm reflection, would support those Ministers who should step forth on such an emergency to save the State from impending ruin; but in case the combinations of power are so formed that they cannot be shaken from their purpose by any efforts of reason or public duty, his Majesty, in my opinion, is bound to refer the decision to his people before he submits to such a sacrifice of the rights of his Crown. No man can answer for the effects of any political decision, under all the arts that are practised by designing men when a ferment is raised in the community; but as far as one can venture to judge from the conversation of men without doors, his Majesty cannot fail in receiving the support of his subjects in a controversy where their interest is as much concerned as his own.

In considering the other point of the question under discussion, I must observe, that I think it has been equally mis-stated. We all acknowledge his Majesty has a right to change his Ministers, and I have shewn there never was a juster cause to exercise that power; yet we seem to think our inclinations ought to have been previously consulted. I admit that no government can go on when a majority of this House disapprove of the King's Ministers, and that he must either obtain that majority in the existing Parliament, or try the sense of the people fairly upon a dissolution: and I admit also, that dissolutions, especially in the middle of a session, and particularly in the present moment, are liable to great and serious consequences; but I mention at the same time, that a rational mind must take under its consideration all the circumstances, to determine whether the blame attending such a measure is owing to the perverse disposition of Parliament, or to his Majesty's government; for though I admit, as I said before, that the confidence of this House is necessary to his Majesty's Ministers, yet that confidence is neither to be bestowed nor withheld from caprice or partial affection. We have a
right

right to demand his Majesty shall put his government into the hands of men of ability and integrity. If these requisites are to be found in the King's Ministers, and the measures they propose are just and honourable in themselves, it is the height of faction to refuse our assent or support to such men whatever our connections may be with others. Respecting the present Minister, who will deny his ability after the appearance he has made in the present discussion? Much less can this come with any weight from his opponents, who are forced in the speeches they have severally made in support of the measures to effect his overthrow, without a trial or hearing, to acknowledge their admiration of the wonderful talents he has daily displayed.

Regarding his integrity and public character, is there any person that stands fairer in these respects with the community? Has malice tinged his reputation with any vice or infirmity, or any unbecoming conduct that can shadow the lustre of the parent, whose station he has taken in this House? If then his Majesty has made choice of a Minister of the greatest abilities and the most spotless integrity, what will the nation at large say of the conduct of this House who will not even hear his propositions, or try him by his measures, but obstinately adhere to force the authors of the East-India bill, big with the evils I have described, into his Majesty's Cabinet, to mortify his private feelings, and deprive his crown of its most valuable prerogatives? It is said indeed that this conduct is to secure our own existence; but I must again and again declare my opinion, that too strenuous an interference of this House to prevent its dissolution is little short of a bill to continue the duration of Parliament, because if it is once admitted, the House of Commons may do wrong on assuming executive authority, or taking privileges to themselves inconsistent with the constitution, there is no remedy left to correct this evil but a dissolution. History shows that the tyranny of the many is worse than the tyranny of the few; and if it is once established, by repeated addresses they can perpetuate their existence, no dissolution can take place, and consequently both the King and the people are left remediless.

General Ross was upon his legs — when Mr. Sheridan rose to order.

Mr. Sheridan
dno.

Mr. Sheridan said he thought it right to inform the honourable General that he ought not to mention the name of

of the noble Lord in a Committee; he could only do it in the House. Mr. Sheridan declared, he by no means approved of those who had been adverse to every thing fair and reasonable, all of a sudden turning short, and affecting great earnestness to promote enquiry. With regard to the motion, he said it was absolutely necessary. Why did not the noble Earl, who had been so often alluded to of late, come fairly within the bar, as other noble Lords had done at different periods of our history before him, and fulfil the promise given to that House by an honourable gentleman, (his relation) a few weeks since, when it had been declared, that he had given back the seals he had received into his Majesty's hands, and returned to a private station, in order to make himself completely amenable to any enquiries into his conduct that House might think proper to institute? The noble Earl might in that situation have an opportunity of fully clearing his character, by answering to such questions as should be put to him on the veracity of a gentleman; he would not say on the honour of a nobleman, because he might then be suspected of meaning to utter a satire on the Peerage.

Mr. *Hussey*, as Chairman, cautioned General Ross against *Mr. Hussey*, then declaring the name of the noble Lord in question, informing him, that he might do it in the House, when the House was resumed, if he thought proper.

General *Ross* rose, and thanked Mr. Sheridan and the *Gen. Ross* Chairman for their information; but he declared it had not been his intention to have mentioned the noble Lord's name, even had he not been cautioned in the manner in which he had been. The General declared, that what he had related to the House as a very extraordinary conversation that had passed between a noble Lord (a Lord of the Bedchamber) and him, relative to his vote in that House, had not passed in any sort of confidence, though it might be said to have passed in private, there having been no person in the room at the time, but the noble Lord, a little child, and himself. The General said a great deal more, which we could not distinctly hear.

Mr. *Wilberforce*, with great warmth, reprobated Mr. Fox's *Mr. Wil-* former bill relative to the East Indies, declaring, that had it *berforce* passed, he was convinced it would have proved the death warrant of the Constitution. Mr. Wilberforce said a great deal about Mr. Pitt's coming into office in times of trouble and difficulty. His right honourable friend, he declared, did not look up to ease and emolument solely, as the right honourable gentleman opposite to him had done, when he came into

into office. He was another sort of patriot, and considered the good of his country and the salvation of the Constitution, as matters of infinitely greater moment than his own personal interests. Mr. Wilberforce pursued his panegyric for some minutes in terms of great eloquence.

Mr. Fox.

Mr. *Fox* replied, and charged Mr. Pitt with having come into office upon unconstitutional grounds, and upon such principles as were disgraceful to himself, disgusting to the country, and such as must necessarily deprive him and his coadjutors of the confidence of that House, without which no Ministry could carry on the public business. He said, they had taken the Government as an experiment to gratify the purposes of their mad and ungovernable ambition; that they were attempting theories and speculations on the Constitution, which it behoved that House to guard against the mischief of. That the resolution then under consideration was adapted to effect that salutary purpose; and those which had preceded it had been of the same complexion, and calculated to answer the same end. He added other arguments to convince the other side, that every thing of violence lately resorted to, arose solely from their rash, inconsiderate, and imprudent conduct.

Mr. Wilberforce.

Mr. *Wilberforce* replied, and defended his right honourable friend from the charge.

Mr. Pitt.

Mr. *Pitt* rose, and stated, that he had taken upon him the government of the country upon one single, plain, intelligible principle, by which he desired to stand or fall with the people, viz. to save the country from the India Bill, which threatened destruction to its liberties. That his conduct was uniform and intelligible, and that the nation and the world would understand and applaud it.

Mr. Erskine.

Mr. *Erskine* in answer said, that though he was afraid it was not very respectful to the House to believe that it could possibly be imposed upon by fair words, in opposition to the foulest conduct, he would not suffer the right honourable gentleman to walk off the stage as the saviour of that country, which he seemed intent to insult and to ruin. That, after the inconsistencies of the day, he was not surprised that he should assert the India Bill to have been the cause of his assuming the government; but he should be surprised if any body believed him. He had asserted it already, without finding any credit from him. No man of common sense, at least no man of common memory, would believe him, who had heard him a hundred and a hundred times declaim upon his determined purpose to destroy the government founded

on

on the coalition, even before the India Bill was heard of. He could not, as he said, act with the coalition, because of the obnoxious principles of the noble Lord in the blue ribband; and yet he flew at the same moment with such eager embraces into the arms of the learned Lord Advocate, as if he had been attached to him by magnetism. He supposed it was owing to a sort of political methodism which operated by faith to the total exclusion of works, by which the most obdurate sinner might be converted in a moment without giving up any of the amusements of the flesh, and which of course entitled the learned gentleman, on his sudden and mysterious conversion, to the doctrine of political regeneration and reformation, to a forgiveness of his sins, though not yet purged of the original damning sins of influence and starvation. He said, it was an affront to human reason to say, that it was inconsistent for the right honourable gentleman to act in concert with the noble Lord in the blue ribband, who was yet in close councils with the more learned Lord Thurlow, and the Lord Gower. Though, perhaps, the right honourable gentleman might say, that he had arranged himself with the two last Lords, to give the more certain effect toward his plan for the reform in the representation of the people; and that as that great object was the ruling feature of his political life, he had agreed to overlook all lesser differences, to secure that hearty and cordial union which the notorious opinions of these noble persons would be sure to afford him in the Cabinet. [The House laughed.] He said, he did not wonder the House laughed; that he should indeed admire the rigidity of that man's muscles who could withstand the childish, impertinent inconsistencies, in those political passions and aversions, to which, however, the interests of this miserable devoted country were to be sacrificed. The coalition was the mean masque of their ambition, under which they lay in wait to seize the first plausible moment of mischief, which naturally presented itself in a wise, vigorous measure, open from its decisive wisdom, to the honest prejudices of the vulgar. Before the India Bill presented itself, it was the only topic of opposition; but which being now worn threadbare, and exposed to ridicule, they were obliged to take up the India Bill; the act, not of his excellent friend Mr. Fox, but of the House itself, and then had the effrontery to come down and state to the very House that passed it, that he had become Minister to save his country from the ruin of their measures, and hoped for their support to enable him to revile and expose them. Much had been talked of temper; he was

ashamed of his own moderation, and of the patience of the House on a subject which called for the resentment of the people, which they could not in justice disappoint.

Mr. Dundas. Mr. Dundas rose and said, he would only refer the House to the hour of the morning, (then past six) as an argument against their voting in an hasty, a rash, and a precipitate manner, a motion so obscurely worded, so dark, and so ambiguous, that it was not easy to guess at whom it was pointed, or upon what grounds it was that it rested. After having said this, Mr. Dundas went into a warm and severe personal attack on Mr. Fox on account of his bill, that had been lately thrown out by the House of Lords, urging his conduct in that particular as the ground on which his Majesty had dismissed him and the rest of the late Administration from his councils, and called his right honourable friend near him into office. He branded the bill as an experiment of the right honourable gentleman, with a view to put the Crown on his own head, and grasp into his hands for ever, a degree of influence foreign to the Constitution, and which would raise him to an eminence of power superior to that of the Sovereign. Mr. Dundas repeated the idea of the bill's being an experiment to place the Crown on the head of an individual more than once, and pointed it in a manner peculiarly marking. Before he sat down, he urged the necessity of discussing so important a motion as that under consideration, at a sober hour, and with the utmost temper and moderation; and assigned it as a reason for moving the question of adjournment, by way of getting rid of the resolution for the present. He concluded with a motion that the Chairman leave the chair.

Mr. Fox.

Mr. Fox rose with some degree of warmth, declaring that however it might be the inclination of the learned gentleman to affront him by the grossest personal attacks, he should not insult the House without proper notice being taken of the insults he had dared to cast upon the House. His personalities to him he most thoroughly despised; he nevertheless would not suffer him to declare that he had made an experiment to put the Crown upon his head, without denying in the most direct and positive terms, that he had attempted in any shape whatever to possess himself of power, or patronage, or emolument. The bill to which the learned gentleman had alluded, was not his bill, it was the bill of the House of Commons. He had originally proposed it indeed, but the House had adopted it, and made it their own. A large majority had carried it through, and it had passed the House. With regard to

to the power, the patronage, and the emolument, what power, what patronage, what emolument did it confer on him? None. Not an atom. It had been said, indeed, that the seven Commissioners were of his nomination. True, they were, but if he had not named persons every way unexceptionable, did not the learned gentleman know his nomination would not have been of the least avail? With regard also to the learned gentleman's declaration, that the bill created a new influence unknown to the Constitution, the assertion had been combated, and overthrown again and again. It did no more than this, it prevented a large and a dangerous degree of influence from going into the hands of the Crown, and lodged it where it was most safe, in that House, and it established a permanent system, not liable to be affected by any change of Administration, and thus defeated in the very trial. What was the new bill, the bill to be brought in by the right honourable gentleman, the boasted Minister of the Crown, to do? If that bill were founded on the propositions published by the Court of Directors of the East-India Company, it would continue anarchy abroad, and create no stability of Government at home. It would neither give peace, happiness, nor security to thirty millions of subjects in India, nor would it produce any thing like vigour or energy in the administration of Indian affairs at home. Between the two bills therefore there could be no comparison. The bill of the House of Commons the learned gentleman had attacked with the utmost asperity. What he had said was a gross insult upon that House, though undoubtedly he had meant it merely as an affront upon him. He might affront him as much as he pleased, but common decency required that he should treat the House of Commons with less indignity.

Mr. Dundas said, it was extremely easy for the right ho-
 nourable gentleman, with a majority at his back, to draw down the indignation of the House on his head, or on that of any individual member, under the pretence of having insulted the House; but conscious as he was of his own innocence, as to any the most distant intention of that kind, he should ever resist such an unjust attempt to lessen him in the good opinion of those, whose favourable judgment he was, on all occasions, anxious to solicit. In the present case, if he had, in the warmth of debate, and in the zeal of sincerity and conviction, pushed his argument farther than he ought to have done, or used stronger words than the occasion might be thought to warrant, he could only
 Z z z z plead

plead the example of the right honourable gentleman himself, under whose sanction he had little fear of any consequences that might ensue. Had the House forgot what for twelve years together had been the language of the right honourable gentleman? Had they forgot the American war, and all the vast variety of topics discussed in the course of that twelve years, during which, on no occasion had the right honourable gentleman spared those whom he had found it convenient to attack in the most open, the most unqualified, and the most bitter language? Sure he was, he had heard the right honourable gentleman again and again exercising his talent of this sort, and to that day the honourable gentleman made no scruple to attack him without any reserve whatever. The right honourable gentleman talked of his meaning to affront him. He could not believe the right honourable gentleman had any such idea. Certain he was, he had not a thought of that kind in his mind, nor had such a thought ever entered his imagination. In return for public attacks on him, he had endeavoured to retort on the right honourable gentleman, and he should continue to act exactly in the same manner, as often as the right honourable gentleman gave him cause so to do. Mr. Dundas added more arguments in his usual manly way, and concluded with a repetition of his objections to the motion.

After farther debate, the Committee divided on the question of adjournment.

Ayes, 142; — Noes, 196. Majority of noes, 54.

The resolution was then moved and carried.

As soon as this was over, the Chairman was directed to report the Resolutions to the House immediately, and ask leave to sit again.

The House being resumed, the resolutions were reported, read a first and second time, and agreed to.

Mr. Fox.

Mr. Fox then moved, that the Committee on the state of the nation sit again next Wednesday, to-morrow.

The Right
Hon. Wm.
Pitt.

The Right Hon. W. Pitt gave notice that he should, to-morrow, move for leave to bring in his India bill. He afterwards delivered the message from the King to the Speaker, who read it from the chair. The purport of it was, to inform the House, that on account of the river Weser being frozen up, and its navigation rendered impassable, two regiments of Hessian troops had been obliged to be disembarked and landed, and distributed in barracks at Dover, Canterbury, Chatham, and Portsmouth. That his Majesty had given especial directions that as soon as the
naviga-

navigation of the Weser was open, the two regiments in question should be again embarked, and immediately sent home to Germany.

January 14.

About a quarter after four o'clock Mr. Chancellor *Pitt* Mr. Chancellor Pitt. rose to move for leave to bring in his bill for the better regulation of the government in India. He rose, he said, in performance of his engagement to the public and to the House, and to discharge that duty which was indispensable to him in the situation which he held. He was neither deterred by the circumstances of the time, nor the appearance of the agitation of that assembly, from rising to move for the introduction of a new bill for settling the government of India, because he knew it to be the most immediate concern of the country, and that which before all other things called for the consideration of Parliament. He was aware that in the present circumstances of the time, any proposition that came from him was not likely to be treated with much lenity; and indeed, from what he had heard, he might be permitted to apprehend, not likely to be treated by certain persons with impartiality or justice: for they had already excited a clamour against what they conceived to be his ideas, and had already condemned without knowing his system. They had taken up certain resolutions passed by the Proprietors of East-India stock, and had said, that a system founded upon them must necessarily be defective, must necessarily be charged with more influence, accompanied with less energy, than the bill which had been rejected. He knew the triumph which he should afford to a certain description of men, when he informed the House, that the plan which he proposed to submit to Parliament was chiefly founded on the resolutions of the Proprietors of India stock, and that his ideas in all the great points coincided with theirs. He anticipated in his mind the clamour which would take place on this discovery, and the vociferous acclamations of those gentlemen ranged behind the right honourable member, whose signals they were always disposed to obey, and whose mandates they were always ready to execute. He perfectly understood the nature of their conduct; he knew well how capable they would be of deciding on the subject, from the notices they would receive, and how eagerly they would embrace the opinion which the right honourable gentleman would give them; but he was not to be intimidated from undertaking what he conceived to be for
the

the interest of his country; and to the crime which was alledged against him he pleaded guilty. He confessed himself to be so miserably weak and irresolute, as not to venture to introduce a bill into that House on the foundations of violence and entrenchment. He acknowledged himself to be so weak as to pay respect to the chartered rights of men, and that in proposing a new system of government and regulation, he did not disdain to consult with those, who having the greatest stake in the matter to be new-modeled, were likely to be the best capable of giving him advice. He acknowledged the enormous transgression of acting with their consent, rather than by violence, and that in the bill which he proposed to move for, he had governed himself by the ideas of the Proprietors of the East-India stock, and by the sense and wisdom of those men who were most habituated to the consideration of the subject, as well as the most interested in it.

He gave to his opponents all the advantage which this view of the subject could confer with perfect cheerfulness. His plan was really founded on the resolutions which the House had seen in the public newspapers, and he acted in concurrence with the sentiments of the general proprietary. He had not dared to digest a bill without consultation, which was to violate chartered rights sanctified by parliamentary acts; he had not ventured to conceive that any plan, which should erect in this country a system unknown to the Constitution, would be ever embraced by any House of Commons; or that a scheme of new and uncontrollable influence, in the hands of new and unconstitutional characters, would be suffered to have an establishment, since such a scheme must give the death blow to our frame of government. He had taken notice of the objections started by the right honourable gentleman before he had heard his plan, and accepted by his followers with the same haste and the same decency; he had heard him alledge, that his plan was calculated to give as much or more influence to the Crown than the bill which had been rejected; and that it was not calculated to produce the salutary consequences to this country, or to India, which his bill would have certainly done. These were the imputations which had been brought against it before it was known, and the House were now to enquire into the truth of the assertion. He wished to be tried by comparison. He challenged the trial by that test, and he said he trusted to the candour of the House, even circumstanced as it now was, he trusted to their fairness and im-

impartiality, that if they found the provisions of his bill as effectual, with less violence, affording as vigorous a system of control with less possibility of influence, securing the possessions of the East to the public, without confiscating the property of the Company, and beneficially changing the nature of this defective Government without entrenching on the chartered rights of men, they would give him a manly liberal, and successful support, without enquiring what party of men, or what side of the House was to be maintained on the occasion. He trusted they would not love his plan less for being without violence, for being destitute of the rapidity, the grasping principle, the enormous influence, the inordinate ambition, the unconstitutional tendencies of the bill which had been rejected. He trusted also they would find that he had not objected to the bill of the right honourable gentleman from motives of capricious, or of personal opposition, or that he was now to seduce them into the approbation of a measure more speciously coloured, but in truth stolen from that to which he had denied his assent.

He was not much affected with the clamour that his was to be a half measure—a palliative—although he had so loudly deprecated half measures and palliatives on the first day of the session. Half measure was the watch word of the day. He should not be affected with this charge, if by that was meant, that every measure which did not proceed to the violation of charters and the confiscation of property, was a half measure. If he could only avoid the imputation of erecting a system of power new and unknown in the country, to the extinction of the Company and the danger of the Constitution, he would not be displeased to hear his plan receive the appellation of a half measure. But he trusted, that in the exposition of the principles of his plan, and of the provisions, they would find reasons to go with him in thinking, that without materially entrenching on the Company, and without deviating from the practice of the Constitution, a scheme of government might be framed, less overbearing, and equally efficacious. Whatever might be its reception, however, he should have the heart-felt pleasure of knowing that he had discharged his duty conscientiously; and he professed, that he was infinitely more eager to see a fair, solid, and effectual system established, than that he should be the person to propose it, as he was really more anxious for the welfare of his country, than for the aggrandizement of himself.

The

The general objects to be looked to and provided for in the formation of a system for India were chiefly these:

The concerns of this country in India, in the various considerations to which they branched; the civil and military government; the revenues; the commerce; the great ample territorial possessions, which, though they had been long acquired, had never yet been finally settled: there were claims to be ascertained, and interests to be divided. The happiness of the natives was to be studied; the connection between the commerce and the territorial government was to be maintained; and, last of all, they were to consider what were likely to be the effects of the government of India on the government of Great Britain; how it might affect our Constitution in point of influence, and how it might be rendered at once vigorous and unalarming.

These were the objects to be considered, and surely the House would go with him in saying, they were most important. The possessions in India were great and ample; they could not be maintained but with broad and extensive establishments; they contained an immense number of the human race, for whose happiness it behoved us by every call of humanity and policy to provide; and there was the utmost necessity of framing a system which should at once preserve the connection and the distinction between the territories and the commerce. This was particularly difficult, and indeed the whole business was of so complicated a kind, that it required all the wisdom, all the experience, and all the consideration of Parliament.

Any plan which he or any man could suggest for the government of territories so extensive and so remote must be inadequate; nature and fate had ordained in unalterable decrees, that governments to be maintained at such a distance must be inadequate to their end. In the philosophy of politics such a government must be declared irrational; it must be declared at the best to be inconvenient to the mother and supreme power, oppressive and inadequate to the necessities of the governed. In such a scene there could be formed, there could be imagined no theoretical perfection — It must be a choice of inconveniencies, and therefore he trusted that in the examination of the ideas which he should throw out, the House would take into their view the difficulties, and always remember, that whatever was suggested, however specious, however promising, it must be

be

be tried by the event rather than by speculation. The general ideas which he had thrown out, and the objects which he had described to be in view, would serve the House as land-marks to guide them in the consideration, and they would examine how far his propositions were calculated to answer the object.

In the first place then, the political concerns of this country in India, that is, the civil and military government of India — the political establishments — the political system — the collection of the revenues — and, to give it one short and general definition, the imperial dominion of our territories in the East, ought to be placed under other control than that of the Company of merchants in Leadenhall-street:—but the change ought to be made with as little violence as possible; it ought to be made by the conviction of the Company, and not by violence. In this the Proprietary agreed with him. The first business then, was to take care that this should be made an effectual control, and it was his clear idea, that this control could not with safety or propriety be placed in any other hands than those of the genuine and legitimate executive power of the Constitution.

His next principle was, that the commerce of the Company should be left as much as possible to their own superintendence. This was an idea which must strike every thinking man; for commerce ought always to be left to the merchant, unshackled, unembarrassed by interferences which might impede its current, and diminish its security. In this however there was a consideration to be attended to. The commerce of the East-India Company was of a mixed nature. It was involved with revenue, and it would be requisite that a provision should be made for distinguishing between what was merely commercial and what was mixed, that under the colour of commercial acts or commercial regulation the politics of India should not be affected.

His next principle was to prevent capricious effects on the constitution of Britain from the government of India. In providing for this principle, very great delicacy was to be used in the nature, quality and extent of the powers to be given to the governments in India. The servants in India must obey the controlling power at home; but still, in regard to the distance from the controlling power, care must be taken to arm them with such discretionary authority as should leave energy and vigour for all the purposes of good

and substantial government, sufficient to secure the happiness of the natives; the security of the commerce and the possessions, but at the same time so limited as to restrain inordinate ambition — to crush oppressive rapacity — to extinguish the jobbing of adventure — and to establish true and equitable government.

He understood well that it was more easy to exhibit principles than adopt provisions; and he only exhibited these principles to serve as land-marks to the House in the examination of his provisions, for he should succeed or fail in his plan in so far as he reached or came short of these ideas.

The first point then in the plan was to ascertain the degree of control which should be established over the Company, and the hands in which that control should be placed. The degree of control should amount to the government of the civil and military concerns and of the revenue, and this was a species of control not new; for we had already seen a control over the Company established in the hands of Government. But the former interference of Ministers had not been beneficial, because it had not been active or vigilant. On this account was it that the right honourable gentleman in his bill had placed it in new hands? Was it on this account that he had vested the control in the hands of a set of men whose character was a monster and a novelty in the Constitution? What security had Parliament that this new and unheard-of Board would have been more active and vigilant than a constitutional and executive one? Surely none but the character, the integrity, the intelligence and the alacrity of the individuals who compose it. If men could be found by the executive government of the country equally endowed, he asked if the security to the public was not the same?

But he must again take notice here of the imputation which he imagined would be thrown on his plan for its moderation in this respect. It would be called a "half measure," because it left with the Company many of their rights, their property, their patronage, their respect: but he saw no aspersion in the term of a half measure, if his plan was to be so termed in opposition to the totality of that scheme which grasped at every thing which they enjoyed. This grasped at no more than what was essential to the object, and he with confidence trusted to the impartiality of the House of Commons, that they would approve

prove of a measure calculated to effect all the purposes required by means less violent than those of the late plan; and he had this confidence, notwithstanding the impression of these times, which he confessed to be new and extraordinary. His plan aimed at beneficial control. He meant not to rob nor to steal the rights of the Company.

He knew that the merits of his plan must be comparative; and that they would give the preference to that which in the comparison was proved to be the best in the two great points of sufficiency and vigilance of control. The public required security. What was the security which they had in the projected Board of Commissioners? Was it the greatness of their character, or the circumstance of their being appointed by the House on the nomination of the Minister? If this was all, might not others be found as great in character, and found constitutionally by the executive power? And would it be a less recommendation of such men that they were not a new and independent institution, unknown to the Constitution and uncontrollable by the Crown? The persons that had the control should be persons capable of giving time and attention to the objects of the trust—they should have leisure for activity and exertion, that it should be no longer subject to the imputation of a sleepy and ineffectual control, but deserve the character of an active and efficacious one.

But this could not be done perhaps without the creation of new officers; for in the present state of Administration, the Ministers through whom the Crown should speak, that is, the two Secretaries of State, were so occupied as not to be able to give the business all the time and attention which would be necessary. To provide for this therefore, there should be joined to the Minister other assistance to expedite the affairs, that they might not be delayed or neglected, at the same time that the Crown's control was signified through a Minister.

His proposal therefore was, "That a Board should be instituted to be appointed by his Majesty, consisting of one of the principal Secretaries of State, the Chancellor of the Exchequer for the time being, and a certain number of the Privy Council." The number of the Board would be left blank for the consideration of the House; but his idea was that it should consist (we think he said) of three or four Privy Counsellors, or of three or four in the whole. The Privy Counsellors were not to be as in the constitution

tion of the Privy Council itself, to attend precariously, but such as his Majesty appointed were to give regular attendance at this Board, and devote their time and study to its objects. But it might be asked were there to be salaries given to the Members of this new Board, and was it to be productive of additional burthens to the people? He knew that in the last bill, though there was no salary mentioned, it was the general rumour, if not the general intention, that they should have a remuneration. It was his idea, however, that in the present establishment any expence might be avoided. There were in this country a number of persons who from their rank were Members of the Privy Council, and who at the same time were possessed of great and distinguished offices, with large emoluments and little labour. There was no doubt but a number of such persons might be found to accept of this important duty without any additional reward. It was what they owed to the country from which they derived splendid incomes for no service; and he was sure that if it fell to his lot — which was a question to be decided — he would think it his indispensable duty, and would give up his time and attention most cordially to the object.

A Board thus constituted, it might be imagined, would have the qualities of activity and vigour. It would be derived constitutionally from the executive power. It would create no new office of emolument. It would load the subject with no new burthen. It would be as efficacious as the Board of seven Commissioners. That Board undoubtedly was composed of men of great integrity and fair honour; but he might be allowed to say, some of them not possessing much experience in, knowledge of, or interest in the subject of their control. But this new Board would be at least equally intelligent and as efficacious. It would be as good, only with this difference, that the rights of no Company would be violated — only with this difference, that they would not be uncontrolled or uncontrollable; — only with this difference, that they would not possess the whole of the patronage to the great danger of British liberty.

The dispatches of the Company, he said, must be submitted to this Board, and be made subject to their control, their opinion to be given in a reasonable and competent time, and the dispatches countersigned by the Board, by which a complete responsibility was vested in them. This was no

ambiguous system — It was clear, public, and administrative.

In the next place, though he had no wish to interfere with, much less to control the commerce of the country, yet as the commercial acts might be connected with the political, because they might have an aspect leaning both to the one and to the other, he also proposed, “That all the commercial dispatches of the Company should also be submitted to the Board, whose control should be signified in a reasonable and competent time; but the Court of Directors, if they agreed not with the opinion of the Board on the decision of the question, whether it had a political or merely a commercial tendency, might appeal to the King in his Council, whose decision should be final.” This he hoped would not be considered as a security nominal and frivolous, when it was remembered that this was to be a public appeal and public trial. He was sincere in his ideas on the subject of the security; and being so, he regarded neither the sneers nor the smiles of gentlemen; this appeal he considered as a guard to the Company, and chiefly because it was liable to be discussed in both Houses of Parliament.

This Board possessed not the patronage of the Company. They had the power of a negative indeed, but they could not alter the names that were sent them by the Company; they could not make use of this power in the way of patronage, for it was his idea that this should be a Board of political control, and not, as the former was, a Board of political influence. He stated what the constitution of that Board was, and what the constitution of this was to be. That Board was to seize on the rights, patronage, commerce and property of the Company. This left to the Company the uncontrolled possession of their commerce, their treasury, their patronage, their contracts, the appointment of their writers and cadets; by which, in the course of things, all the officers and servants in India were in their immediate appointment.

He then came to state what was to be the nature of the government abroad; “Their authority should have the powers of large discretion, accompanied with the restraint of responsibility.” They should be bound to obey the orders of the Board at home, but at the same time they should have a sufficient quantity of power for all the purposes of emergency, and all the occasions which the immense distance

tance might give rise to. He went into a long detail to shew how much the influence created by the last bill exceeded the influence of this. Here the government abroad could at best but select from among the appointments of the Company—they could not make original appointments of their own. In addition to this there was in the Crown, and consequently in the two Houses, by an address to the Crown, the power of recal.

It was to be enquired by whom the members of the Councils abroad were to be appointed. The Company had cheerfully yielded this point also to the Crown. He however had his doubts on this subject, and therefore in his bill the matter should be left for the wisdom of the House to decide; but “the appointment of the Commander in Chief he thought should be clearly in the Crown,” for the duties which he had to fulfil were so essentially connected with the great operations of the State, that there could be no doubt on his appointment.

The next consideration was the number of the Councils abroad. His idea was, “that their number should be four, the Governor General to have the casting vote.” But this also he would leave to the House. The number of the Council at Bengal he did not mean to reduce; for in this he followed the example of the right honourable gentleman, in not making the system a personal question.

The late bill thought fit to vest all the power in the Government here, and none or little in the Government abroad. His idea was otherwise. He thought there should be a power in the Government abroad, large and broad, but guarded with responsibility.

He proposed that there should be “a revision of all the establishments in India, to see where retrenchments might be made with safety—to see what were necessary, what were useful, and what, on account of their inutility, inconvenience, corruption or abuse, ought to be extinguished.” This he recommended, for he believed that many of the abuses in India arose from the establishments being overloaded.

Another reform struck him as essential, and which indeed was only an enforcement of an old rule. This was, “that all appointments in India should take place by gradation and succession.” Influence would by this means be very much diminished; and indeed, without entering much into the nature

nature and amount of the power, he imagined the government might be framed to possess all that was necessary to its purposes, without having so much as to create influence. He would speak only therefore of the great lines of power, without entering into the little detail.

His last proposition, he said, was, "That there should be erected a new tribunal for the trial of offences in India." He explained the necessity of such an institution, and said, it would be for the wisdom of the House to determine its nature and authority. His idea was, that it should consist of a number of the principal persons in Westminster Hall in the first place; that Civilians should also be joined; and also a number of Peers, and a number of Members of the House of Commons. A tribunal thus constituted might, in his idea, embrace the great object. The culprit might have the power of challenging; and, before this tribunal, evidence might be admitted which the courts of law could not receive. They should be directed to question, to arraign; they should determine the nature of offences, and in offences he would reckon the disobedience of orders, the acceptance of presents, oppressions of the natives, monopolies, rapacity, and all the train of offences which had tainted the national character in India. They should enquire into the personal fortunes of the delinquents; they should have the power of confiscation, and every thing but capital power.

In regard to the Zemindars, though he admired the spirit of the right honourable gentleman's intention towards them, yet he could not imitate it on account of its impracticability. General indiscriminate restitution was as bad as indiscriminate confiscation. He proposed therefore, "That an enquiry should be instituted into the confiscations for the purpose of restoring such as had been irregularly and unjustly seized; and that they should be secured against violence in future."

He had taken notice of many more points, he said, than were included in his motion; but he had thrown them out for the consideration of the House, as a subsequent bill must be brought in for regulations, or, what he believed would be effectual, the bill of the right honourable gentleman now in the House might be modified to his purpose.

He again gave a comparison between his bill and that which had been thrown out: and he declared, that the establishment of a moderate and effectual system of government for India was the great and immediate object of his mind. He did not wish to gratify young ambition by the place to which he
was

was called; he was not attached to his eminence. "I am not," says Mr. Pitt, "governed at this moment by motives of personal interest, or of personal fame. I have introduced this plan as the deliberate conviction of my mind, made up on the most serious consideration of the most intelligent men. Accept the ideas, if they are worth your notice; strengthen them with your wisdom, mature them with your experience, or, in their room, establish a more adequate system, and I am happy."

However unpleasant to me a majority of this House, and insinuations against me must be, I shall incur the danger of them all on this great point — establish a good, rational, and safe system, and dispose of me as you will. I have the consciousness of a good intention, and therefore, without having the serious fear, that personal considerations will be imputed to me, I conclude with moving, "That leave be given to bring in a bill for the better regulation of our Indian concerns."

Mr. Henry
Dundas.
Mr. Fox.

Mr. *Henry Dundas* seconded the motion.

Mr. *Fox* wished to meet the right honourable gentleman's ideas, as it would certainly be expected, with all the fairness and with all the attention in his power; and he had too much regard for the honour of the House, and for the public satisfaction, not to do every thing for bringing in the bill or bills which had then been moved: but sure he was, it would soon be obvious in what light the present proposition must be viewed by the cool, dispassionate and impartial among all mankind. "Is it," said he, "less or more than the wisdom of an individual, however exalted in situation, however distinguished by ability, however flattered by partizans, or however confident of his own unrivalled talents, opposed to the collective wisdom of this House, of the Commons of England in Parliament assembled? I trust the propositions will be considered exclusively in this light, and the fate of them pronounced accordingly."

Much has the right honourable gentleman struggled to fix a comparison between this and the measure adopted by his predecessors before the holidays; and, indeed, in whatever he may think these two bills alike, they are, and in my mind they will appear to the world, essentially and universally distinct. The single feature common to both is the object to which they both relate. The one, however, substantially, effectually and permanently, to a regulation of the entire system of Asiatic management; the other partially, imperfectly, and superficially. Were I to give a school boy an exercise, how
be

he might most effectually involve the affairs of the Company; is it possible for the invention of man to have hit on an expedient so likely to answer that purpose? What task could be better performed than such a task as the right honourable gentleman has now assumed, and in this mature and polished state submitted to the consideration of the House? Every degree of confusion and distraction which can be supposed, is not merely unprovided against, but actually provided for in the bill now proposed. What were the regulations or establishments required by the wishes of the country and of this House? Were they not, humanity to the natives of that extensive country, which has been wrested from its original owners; safety to the whole propriety of the greatest trading Company; the justice, equity, and liberality of the English law to all who participate of the English Government; a restraint put on iniquitous contracts and gross speculation of every sort; a system of responsibility and obedience, that master and servant, in this strange and absurd system, might continue no longer synonymous or convertible terms? These things are necessary to the welfare of the Company and of this country; but what one of them is secured by this bill? Does it not insult the reflections of every wise man who has at all considered the subject? Does it not make a mock of that necessity which this House has pronounced to be urgent and unavoidable? Does it not disappoint the expectations of the public, who have long been clamorous for a reform in a particular with which they deem their own honour and reputation singularly connected?

The right honourable gentleman set out with his board of superintendants, and endeavours to state a contrast between those of his appointing, and those who received an appointment from this House; but I will beg leave to tell him they are totally different. Need I point out the difference to this House? The influence so new, so unprecedented, so perfectly unknown to the Constitution, on which he triumphed, and still triumphs so much in having detected, is no other than has been authorised by several acts of Parliament for years. What is the power of Directors? Is that constitutional? Will any man say that their power ever interfered with that of the Crown? And is not this the identical power which his Majesty's Ministers and this House would have transferred to a new Board?

I do not know whether I heard the right honourable gentleman perfectly or not; but I am sure I did not understand him. The constitution at least of this extraordinary system

struck me as peculiarly absurd. He foresaw an appeal might be sometimes unavoidable; and where is it lodged, but in one of themselves; in a party concerned; in one who cannot, in the eye of the law of this country, act fairly, because acting under all the pressure of every person interested in the issue of the plea. Legislatures have never appeared so ridiculous as in forming laws which make no allowance for the imperfections of human nature; for that which affects the decisions of a man's mind in one case will certainly affect them in another; and wherever the public good is connected with his conduct, his agency ought to be as free from temptation, and consequently as little liable to abuse, as possible. How then are decisions on the affairs of the Company to take place where these affairs appear in any case involved? What impartiality can be expected from persons who, if they act at all, are subjected to act on a very interested plan?

A very great parade is made about the consent of the Company. I will acknowledge that the bill I had the honour to propose, and to carry through this House, violated the Company's charter to a certain degree. The Steuarts thought themselves long possessed of an hereditary claim to the crown and sovereignty of these realms. They lived, they acted, and they died in these convictions. It was found, however, by the investigation of mankind, that all this was mere usurpation, and originated in violence or some less honourable principle. The glorious Revolution at least undeceived the world on the subject, and by substantiating the real meaning of the Royal tenure, still held up this important lesson to the world, that those charters which any one part of the community enjoys by consent of the whole, can only be authentic so long as it consists with the good of the whole, and no longer. When, therefore, we consider how much the public were sufferers, what obloquy the country derived, how generally and sincerely the name of an Englishman was execrated by the consequences which resulted from the abuse of these charters, to have connived with them would have been to have made this Government, this House, this country, the guarantees of every outrage and species of venality and extortion, which fasten an eternal stigma on those who acted so dishonourable a part. The grand object therefore of those who proposed that bill, as an adequate remedy for the infinite and palpable mischiefs, was to establish some practicable and substantial redress to a grievance peculiarly felt by the natives of India; but at the same time not a little affecting every

every one who wishes well to the present situation of this country.

The right honourable gentleman piques himself much in having not violated the charters, in having procured a surrender of what it was alledged others had violated, in having obtained the consent of the Company. But let gentlemen be on their guard against this specious assertion. Will ever this House, will ever the public at large consider the concurrence of two hundred and fifty, the deed of a Company which at least consists of fourteen hundred? However this was gained is not easily reconcileable with fair and equitable conduct. But even be that as it will, there certainly is no great foundation for triumph on the occasion. At least, if the charters were violated in the one case, they were equally so in the other; and with this specific difference, that by the first the property in all respects is not only secured to the Company, but receives such a security, as is evidently an advantage; whereas in the bill now proposed, the violation strips them of what is theirs, not less materially, without affording them any recompence whatever.

Much has been said concerning the control which is established in this Board; and the responsibility of the Ministers for the time being, is the only security which the public has for the exercise of all their power. But are these two powers to operate? The decisions of this very strange Board are therefore, like all other acts of Administration, accountable to Parliament. How? Why should they presume to go such length as may in any degree thwart the inclination of the Crown, the Minister, or any secret adviser, their existence is from that moment determined, and they are without farther ceremony or deliberation dismissed. How is it natural for men in such a situation as this to exert their talents independently, to propose any radical establishment or effectual redress? No; they know to whom they owe their situation, and in proportion as they value themselves upon it, must accommodate their principles and operations to that will on which they depend. Was any thing like this imputable to the measure which the present one succeeded? No attempt, I trust, would ever be made in this to lessen the regard I have for the noble Earl Fitzwilliam; I mean no affront to any gentleman, or to state any comparison; but surely I shall not be told that this illustrious nobleman was in the least degree to be influenced by any Minister whatever.

Will the right honourable gentleman, will the public, or will any description of men, however interested, desert their interest

interest more secure, their affairs less liable to mismanagement, or their patronage less obnoxious to jobbing and caprice by the learned gentleman who may be Secretary for that department, than by those gentlemen whom I had the honour to nominate to the Board of Direction in the bill which preceded this? Who are the likeliest to be guided by the partialities, or little mercenary motives of private interest or private connection; one man, however able, honourable, or respectable, or a body of men, all equally eminent for their amiable and excellent qualities?

The patronage of such a territory and so much revenue must be considerable, and attended with infinite influence wherever it is placed. How was this disposed of by the bill which this House hath adopted, but which the other House hath rejected? Why, the power of appointing all orders of men in the system of operation or new establishment thus proposed in the seven chief Directors, to whom all the trust of the Company was committed, and in whom every post or place, civil, commercial, or military, originated. These Commissioners or Directors were to reside at home; for what reason? That they might not only be under the control, but under the inspection of this House. No very pernicious abuse could then prosper or be indulged for any length of time. Complaints might be understood and investigated almost as soon as uttered, and redressed before, at least, they could become very grievous.

But now let us examine the other hypothesis. How does this matter stand by the new bill? The government of India, after undergoing, to be sure, a most thorough reformation, is still to remain as distant from Britain as ever. The Governor General is to have the same powers of interior regulation as he had before. Does not the very aspect of the system, as thus exhibited, bear a most promising encouragement to all the various modes of intrigue, speculation, and outrage, which have been heretofore in use in that most miserable corner of the globe? Will succession and regular gradation be easily established in all the various lines of conduct, in which it has been so long the habit of the place to act without regard to order or merit? Is it likely that these abuses will be avoided at a distance which renders discipline impracticable? How, on such a quixote system as this, is a Governor General to be recalled? It is true, a principle for this purpose is provided, but in such a manner, as, in my opinion, is an effectual bar to its operation. For the plan proposed, and that of the present Administration, is in nothing more compatible than in the mode
of

of their acting. Something like Secret Influence seems to pervade both the one and the other. The moment a Governor General is sent out, it may be expedient and advisable to supersede him, even before he is fairly settled in his government. But though this were not the case, how is he certain of being admitted to act, when he arrives, in the high capacity to which he is appointed? Do not all the officers of State, whether political or military, depend on the Governor General? Will not they regard him therefore, as one, in whose official existence they are peculiarly interested? Will they not, should he chuse to be refractory, strengthen his principles of disobedience? Will not all the sentiments of gratitude and inclination be on the side of giving a negative to the orders from home, as has always been the case? The Governor General for the time being would be more than man, let it be Mr. Hastings, or whoever else it may be, to withstand such potent temptation. But, surrounded and fortified by a great variety of individuals in every department of life, who owe their all to him, established in all probability on a system of his own creation, and possessed of infinite projects which he might think advantageous, it is not the orders of a few men, empowered in but a limited measure, that will affect him. Such a man, an authority adequate to the object could only remove. This is no idle speculation. The history of the Company renders it explicit. The experiment of the bill in question has been made, and left such effects on the minds of the people in this country, as must undoubtedly convince them of its inutility and absurdity. Besides, who has not heard of the complaints which have been made of irregular preferment, especially in the military line, but also in the political? We know all advancements arise from what are called cadets and writers. These ever have been sent out from this country in vast abundance; and on the system now agitated that superfluity of persons which can be of no use at home may still be transported abroad. The trade is likely enough to be continued, but with no sort of emolument to the public, though individuals will undoubtedly as usual continue to amass fortunes without any dread of punishment or trial, whatever their delinquency may have been. This, as well as every other consideration to which the subject led, was a demonstration, that the system which had produced so much mischief in the affairs of the Company was not changed for another, was not even changed for a better, was
in

what single particular any part of it will bear this construction. This has often been asked, but none of the gentlemen on the other side of the House has yet deigned to give me an implicit answer. It never at least struck me in such a ludicrous light; otherwise I certainly should not so strongly and repeatedly have avowed the contrary. It is, then, brought to a test. Another bill, on very different principles, and possessed of very different functions, is brought forward or moved; and how does it dispose of the influence which has been magnified and enlarged to such an extent, in order to make it the bugbear for a certain purpose? Does it not lodge the whole in the Crown? And who can be at a loss to see the meaning of this admirable device?

The last Parliament, to their immortal honour, voted the influence of the Crown inconsistent with public liberty. The right honourable gentleman, in consequence of that vote, finds it probably unequal to the great objects of his administration. He is therefore willing to take the present opportunity of making his court where he knows such a doctrine as this never will be acceptable, and the plain language of the whole matter now is, that the patronage of India must be appended to the executive power of this country, which otherwise will not be able to carry on schemes hostile to the Constitution in opposition to the House of Commons.

Having thus far tried the relative excellencies of these two bills, it may not be amiss to attend to the distinction which this one affects to set between the commercial and the political interests. But has it separated these two inseparable objects? Does not the institution he states promise only to perpetuate the very seeds of animosity and contention, which such an innovation in the interior of the Company's affairs would no doubt engender? And to be sure the mode of settling this matter is not the least curious particular of the whole, and seems calculated only to render ridiculous what is incapable of any other colouring.

I forbear going into the substance of the bill more at large, as undoubtedly that will be more in point when the principle of the bill comes to be disputed. A great variety of particulars incidentally mentioned by the right honourable gentleman, however, are entitled to remarks. I am aware how much energy his eloquence derives from the use of particular words, of which he certainly has a very choice selection. Half measures has therefore been marked as the watch word of the party, and undoubtedly it has its use, though not quite

quite so founding and agreeable to the ear as confiscation, and chartered rights of men, which admirably serve the purpose of filling a period and pleasing the ear. But the first has the advantage of the second in this, that it is true, and the other is not. The history however of half measures is briefly this: last year the right honourable gentleman was rather shy, and refused to accept his present situation, from a very wary apprehension that the House, which had dismissed him from the service of the public, would not support him. All the summer, it is more than probable, the game which had been lately played at St. James's was going on. Private advice and whispering in abundance prevailed at Court, in order, if possible, to reduce the consequence of Parliament, and get the better of that confidence which was the support of Ministry, and might still operate to a farther retrenchment of the Royal prerogative. The young candidate for office on this account still wished a more favourable opportunity. He had formed his plot perhaps on this very bill. He therefore at the opening of the session, apprehensive that we might not be forward enough for his particular views, boldly took upon himself the office of goading us on; and then it was that he exclaimed against every species of palliatives and half measures. But I appeal to the House, if the measure now produced could be entitled to any other appellation, but for the right honourable author of it. Any other person who should have produced such a plan, must, at least, have expected to hear it branded as a mere palliative or half measure. As it was, it might mark a party; but was undoubtedly in their favour, as it exhibited the very odd shifts those on the other side of the House were reduced to, in order to defend their conduct, at the expence of this. In short, after viewing the propositions of the right honourable gentleman in every point of view, they strike me at least, as I trust they will strike the House, partial, incomplete, and furnishing the Company and the public with only an alleviation instead of a remedy. It was just some such crude and indigested matter as this I expected. The system of the Minister at present is founded on secret influence, and that system must terminate inevitably in public ruin.

Mr. *Lushington* said he had risen only to put the right honourable gentleman right as to a fact which he rather thought had been misstated. The propositions from the Minister to the East-India Company had not been communicated to the Court of Directors, or at least so as to have

Mr. *Lushington*.

their acquiescence prior to the discussion of the Court of Proprietors. He gave a very striking account of the hurry and precipitation with which it had been agitated and carried through, so as to obtain the approbation of the Proprietors. He complained of not having an opportunity, from this and other circumstances, of speaking his mind on the aspect in which it appeared to him. The two things for which he thought it chiefly exceptionable were, the appointments of the several officers, both political and military, and the very enormous influence it placed on that account in the hands of the Crown. On these two accounts he strongly condemned the bill, and hoped no such flimsy, half-formed measure, the mere bantling of a faction, could ever deserve the confidence of this House.

Mr. Yorke. Mr. Yorke called the attention of the House to a circumstance which he deemed of magnitude and importance. Much had been alledged by the honourable Members of the late Administrations, respecting the exercise of secret influence. Rumours and assertions of this nature were, no doubt, meant to prejudice the present Ministry in the eye of the public; but he could state to the House facts, which at least exhibited their character in no respectable light. He would mention two which he had just come to the knowledge of, and the authenticity of which depended in a great measure on the evidence of a member of that House. He had been informed by an honourable gentleman behind him, that on the 29th of December last, when in Scotland, the offer of a place of 500l. a year had been made him by the Duke of Portland, on the event of his restoration to office, under the express stipulation, that he should in the mean time join the interest of the noble Duke, and give his party his voice and support in Parliament. Here was surely a provisional treaty which evidently demonstrated, that if the secret influence of the present Administration was of a dangerous nature, that of the Ex-ministry was not undeserving of notice; it was equally alarming. Another circumstance he had come to the knowledge of through the same channel of information: it was this — That during the conduct of the late Administration, soon after the commencement of the present session of Parliament, a sum of 500l. had been lodged in the Bank of Scotland, for distributing among the Scotch members for the purpose of expediting their motion to Parliament. These were circumstances which he had learned,

learned, and which he wished to state as meriting the attention of the House.

Lord North thanked the honourable member for his information—he thought it merited the investigation of every member within these walls—it contained points which, if verified, were highly prejudicial to the honour and reputation of the House; he therefore pressed enquiry into the matter; though at the same time he expressed his real sentiment, that on a cool and temperate review of the matter, it would be found that what the honourable member had stated had originated in error and misinformation. Lord North.

Mr. Fox wished every circumstance that had been stated to be accurately and minutely examined. The Duke of Portland's character as a Minister was in question. He was convinced of the noble Duke's integrity, and that on all such surmises he was disposed to invite or challenge rather than to avoid and skulk from enquiry—Would to God, said he, that all persons against whom similar charges have been laid were equally forward in denying their truth, or in calling for a scrupulous investigation of their circumstances.—Upon what foundation do the present allegations rest? How are they supported? Till this is known, is it fair or honourable, or becoming the character of a gentleman, to throw out an unfounded invective, tending to prejudice the minds of the people at large against the noble Duke, whose integrity he was convinced could neither be challenged nor impeached? As to the sum of 500l. which it was alledged had been lodged in the Bank of Edinburgh for the purpose of forwarding Scotch members to Parliament with expedition, and which was placed under the government of the late Lord Advocate for Scotland, he knew nothing of this mysterious transaction. It had been asserted, that a member from that country in indigence had applied for the benefit of that fund and had obtained it. This circumstance he could only explain on the supposition that a person of this description had applied to the late Lord Advocate, who he was convinced possessed the same benevolent sentiments with his predecessor in office, and that he, commiserating the state of so necessitous a member, anxious to discharge his duty to his constituents, but distressed by the pressures of poverty, had extended to him that charitable assistance which every humane man have done in similar situations. Mr. Fox.

Mr. Dundas . Mr. *Dundas* very handsomely vindicated the political integrity of the late Lord Advocate for Scotland. He said he was incapable of being prostituted into the character of a distributor of the wages of corruption, and he was convinced that such description of him had originated in misinformation.

Mr. Dalrymple. Mr. *Dalrymple*, with no inconsiderable embarrassment, rose to authenticate what the honourable member (Mr. Yorke) had stated to the House on his information. He asserted, that on the 26th of December last, a friend of his in Scotland had acquainted him that he had authority to offer him a place of 500l. a year on the provision of his abandoning his former parliamentary conduct, and joining the party of the Duke of Portland — that he was to enjoy this emolument on the restoration of the noble Duke to his former office, and that his conduct in Parliament was to be a speculation on that idea. This offer he said came from a relation of his own, whose name he was not under any obligation to conceal, it was Mr. Hamilton, of Bargany. He had interrogated that gentleman respecting his grounds of authority and commission, but had been informed that he was not at liberty to explain these circumstances, and would not enter on the promulgation of such secrets for the world. As to the affair of the deposit of 500l. in the Bank of Scotland for the forwarding the Scotch members to Parliament, he had been informed of this transaction in a public coffee house, and on that ground he had given his information to the honourable member who had broached the subject to the House.

Lord North Lord *North* then interrupted him, wishing to investigate the motives and sentiments of the honourable member on the reception of the above proposal.

Mr. Dalrymple. Mr. *Dalrymple* owned that he rejected the offer of place with disdain, and expostulated with his relation on the inexpediency of his relinquishing his old friends and attaching himself to a new junto for the paltry sum offered him. Such terms he could by no means listen to.

Lord Maitland. Lord *Maitland* rose and declaimed with great warmth on the present violation of parliamentary privilege. It was the grossest that had occurred in the history of the House. It tended to injure the reputation of a noble Duke whose integrity he held in the highest esteem. He would therefore beg that the House would not treat it in a trivial manner, but enquire into its grounds, and in particular investigate

tigate the authority on which it was founded; and that the person who had dared to use the influence of the late Minister without his approbation or consent, should be called to give an account of his conduct at the bar of the House.

Mr. *Dundas* contended that it was hard to treat the present subject in so serious a light; Mr. Hamilton was a man of respectable character, and of some wit and humour; he might perhaps have only been amusing himself during the Christmas holidays with the credulity of the honourable Member, his relation. He was convinced that the enquiry, if prosecuted, would come to nothing. Mr. Hamilton was infirm, and much advanced in years, and it would be rather hard to press his attendance from so great a distance at this inclement season of the year.

Mr. *Yorke* acknowledged that Mr. Dalrymple was the gentleman from whom he had received information respecting the present object of enquiry.

Sir *Peter Burrell* stood up to make a motion on the subject.

Mr. *Powys* observed, though he had differed, with much regret, for some time with the right honourable gentleman [Mr. Fox] over against him, he was always happy to pay every just tribute to his merit; and he could not help admiring on this occasion the very open, unequivocal manner in which he had stood forward and repelled the present imputation. In this respect he had set a noble and manly example to the present Ministers, and he trusted they would follow it literally and without hesitation.

Mr. *Chancellor Pitt* rose immediately on this, and said he should say but a few words, and those very direct. He therefore protested in very solemn and strong terms, that he had never understood any thing of the rumour which had created so much noise and disturbance till he had heard it in the House, and whether true or false to this moment he was not certain.

Mr. *Byng* pressed an enquiry into the grounds of the present business with much earnestness and honest indignation.

The *Speaker* stated, that, previous to framing a motion, it would be necessary and regular to state the information that had been given by the honourable member to the House. He had therefore drawn out a sketch of this kind, which he would submit to their consideration, and in particular to the correction of the members who were more immediately connected with the business,

Lord

Lord Mulgrave.

Lord *Mulgrave* asserted, that the regular way to conduct a matter of this nature was to state the words and charges of the members in their own language, that they might have a fuller opportunity of proving them on a future occasion.

The Speaker.

The *Speaker* asserted, that that was surely the ordinary mode of procedure in cases where the words spoken were objectionable; but that when facts were stated it was in the custom of the House to prosecute the line of business which he had already chalked out, and to state the general grounds of information before them, on which a subsequent motion might undoubtedly be founded.

Lord Mulgrave.

Lord *Mulgrave* still insisted, though with deference to the *Speaker*, on the propriety of stating the grounds of information in the language of the members who had given it, this being the fullest and most ample mode of conducting the business.

Mr. Sawbridge.

Mr. *Sawbridge* seemed to discover an inclination in the minds of the other side of the House to bringing the matter to compromise; and as the enquiry was likely to turn out frivolous, to drop it, in compliment to those who had called for a minute investigation of the business. He hoped this was a measure which his friends would spurn at and detest.

Mr. Chancellor Pitt.

Mr. *Chancellor Pitt* thought the honourable member right in his anticipation. Neither he nor his friends wished to avoid enquiry with the assiduity he had laboured to describe.

Mr. Byng.

Mr. *Byng* acquainted the House, that he had just had a conversation with the Duke of Portland on the subject of debate, and that he strongly denied the charges brought against him, and most earnestly solicited a minute enquiry into the circumstances of the transaction.

The Speaker.

The *Speaker* argued on his old ground, and insisted on the propriety of reading the detail of information he had digested, as previous to the regular formation of a motion on the subject.

Colonel Onslow.

Colonel *Onslow* opposed the idea.

Mr. Ellis.

Mr. *Ellis* supported it.

Mr. Dalrymple.

It was at last read, and contained the particulars already stated. On reading it a second time, Mr. *Dalrymple*, on recollection, begged leave to correct his first account of his interview with Mr. Hamilton. He observed, that that gentleman had told him; that he had authority to make proposals to him, not from the Duke of Portland, as he had already intimated, but from the Portland Administration; he therefore begged that this correction might be made in the paper

paper of information before the House — it being informal to alter the original statement of the affair, this emendation was stated and subjoined to it.

Lord *North* observed, that the information before the House now not only affected the Duke of Portland, but also all the persons connected with his Administration; and begged that the members might attend to that circumstance, and to this new aspect of the business. Ld. North.

Mr. *Scott* urged the enquiry. Mr. Scott.

General *Conway* observed, that its importance affected in a material degree the House of Commons, as it was that House which had called the Duke of Portland and the late Administration into office. Gen. Conway.

Mr. *Scott*, who had been interrupted, resumed his speech, and strenuously urged, that if enquiries were to be instituted, the conduct of a noble Peer in the other House ought, above all things, to be minutely examined. Mr. Scott.

[After this, various members took a share in the debate. It is impossible, however, for us to enter into a minute detail of their different sentiments in the progress of the business. We are, therefore, under the disagreeable necessity of assembling within narrow bounds what we judge to be the more striking circumstances of debate, and of exhibiting an imperfect sketch of them to the public.]

The paper of information being repeatedly read by the Speaker, a motion was at last made by

Sir *Peter Burrell*, That Mr. Hamilton, of Bargany, do appear at the bar of this House this day fortnight. Sir Peter Burrell.

Various arguments were used by different members respecting the hardship of calling an aged and infirm man up from Scotland, at so inclement a season of the year, whilst its absolute necessity was urged on the other hand.

Mr. *Fox* drew a striking parallel between the present species of rumour and the rumours which had been adverted to and insisted on by his friends. He saw evidently that the former were frivolous; they were meant, however, to combat the latter; but how ineffectual was the retort! The honourable members with whom they had originated, skulked from enquiry. He and his friends on a similar ground of report challenged it, and called on the suspected and the guilty to deny it. This was a difference which marked the difference between the last and present Administration, and which he was anxious to define and exhibit to the House. Mr. Fox.

Mr. *Erskine*

Mr. Erskine Mr. *Erskine* reprehended, with much severity, the indecent and injurious manner in which his honourable relation (the late Lord Advocate of Scotland) had been treated by the honourable member who suggested the business. He asserted, that such surmises were false, malicious, and slanderous, till such time as they were verified and confirmed.

Mr. Courtenay. Mr. *Courtenay*, with his usual facetiousness, stated, that the present circumstance, like many other serious ones, might have originated in a very trivial cause. The idea, for example, of sending 500*l.* to Scotland, for the purpose of paying the postage of the Scotch members to Parliament, might be easily explained.

It was an old custom, he understood, when the King of Scotland paid a visit to the King of England, to have the expences of his journey paid by the latter; and after the Union, the sum of 500*l.* which in Scotch money would amount to a much larger sum in calculation, was allowed by Government for the purpose of franking the Scotch members to the metropolis. These facts he had lately picked up from a very intelligent gentleman; and he was really apt to suspect that the honourable member who had laid so much material information before the House, had some how or other received an imperfect account of the above circumstances, and by a strange anachronism had applied them to the late Administration and the present times. This was the only rational account he could make of the matter.

Mr. M'Donald. Mr. *M'Donald* moved that the time specified in the motion of a fortnight be extended to three weeks.

Gen. Conway. General *Conway* thought that a resolution of the House, declaring the above surmises to be frivolous and groundless, might perhaps afford satisfaction, and spare the old man, Mr. Hamilton, the trouble and risk of a long and tedious journey to this country.

Mr. Fox. Mr. *Fox* could not enter into that idea, unless the House was unanimous, as the dishonour done to the noble Duke and his friends must be wiped away without one dissentient voice.

Ld. North. Lord *North* was of the same opinion. He insisted, with much point, on the frivolous attempt that had been made to discredit the late Administration in the eye of the public. How different was the conduct of that Administration respecting the rumours which had lately been circulated, and which were attributed to them! These rumours, though no legal proof of them could perhaps be adduced, he was convinced

vinced were real, and had never been denied. There were many members in the House nearly related to the eight Lords of the Bedchamber, who were now in office, and against whom the imputation of secret influence had been chiefly directed, who during the various agitations of that subject had neither called for enquiry, nor denied the charges brought against them. He himself had a connection, a brother-in-law (Lord Willoughby) amongst the number of that honourable fraternity of Lords of the Bedchamber. Perhaps he himself might be thought criminal in not calling on that noble Lord to deny the charges brought against him and his confederates: he would therefore take this public opportunity of discharging that duty to his honourable connection, and of calling on him to wipe away those stains which rumour had fixed upon him.

The question was then put and carried without a division.

The Honourable *Keith Stuart* said, that what had fallen from the noble Lord who spoke last, seemed so naturally directed against him on account of his connection with a noble Lord, (Lord Galloway, one of the Lords of the Bedchamber) that he could not sit any longer silent. An honourable member, in the course of Monday's debate, had alluded in direct terms to the conduct of his noble relation, that he had waited on him for the purpose of having the matter explained, and he now held in his hand a detail of the whole affair wrote by the noble Lord.

The Hon.
K. Stuart.

This he said he would with permission read; it contained an account of an interview with General Ross; the subject of conversation turned on the politics of the times. The General disapproved of the conduct of Administration with some warmth, on which the noble Lord changed the subject, which, with a few remarks on the sprightliness of the noble Lord's child, who happened to be present, terminated the conversation.

General *Ross* gave a different statement of the interview. He had been unexpectedly waited on by the noble Lord, though their intercourse had been interrupted for a considerable period. He called on him in consequence of his visit; the conversation turned on politics; he was shewn into a private room; the noble Lord talked of Lords Thurlow, Gower, and the Chancellor of the Exchequer, being constantly together at dinner; asked if he thought he could change his political creed to that of the present Administration? He answered him that he could not. On which the

Gen. Ross.

noble Lord said, that he could assure him that it was his Majesty's sentiment, that those who opposed the India bill to be brought into Parliament were enemies to the Crown.

The House then agreed to the original motion that the India bill be read a first time on Friday next.

Mr. Fox.

Mr. Fox said, that though he thought the existence of the House was now secured, yet he did not know what step the folly and frenzy of Ministers might lead them to take. He wished therefore to know, previous to his moving the order of the day, what assurances he could obtain from Ministers respecting the dissolution of Parliament before Friday next. If there was to be no dissolution, he would wave, at this late hour, moving the order of the day on the state of the nation till that period.

The Right
Hon. Wm.
Pitt.

The Right Hon. *William Pitt* was at a loss, in his present state of imputed insanity, how to satisfy the honourable gentleman on that point. He could, however, assure him, that all his time till Friday, would be employed in preparing the proposed bill for the inspection of the House.

At two o'clock the House adjourned to Friday.

January 16.

Mr. Dun-
combe.

Mr. *Duncombe* presented a petition from the county of York, similar to one which he presented last year, for a more equal representation of the people.

Ld. North.

Lord *North* said, that having been always an enemy to this wished-for innovation, having seen the nation happy under the present Government, and having voted against the proposition before he thought it necessary to declare that his opinion on this subject had not undergone the smallest alteration: on the contrary, he was now much confirmed in the propriety of his sentiments on this question, by the conduct of the House of Commons within these three weeks; a conduct which did them the highest honour, as it proved them to be, what the advocates for a reform had always asserted it was in their nature impossible they should be, a body of men zealous for the purity of the Constitution, whom corruption could not warp.

Mr. Powys.

Mr. *Powys* observed, that this was one of those very few questions on which he happened to agree with the noble Lord who had just sat down: as long as the government of this country should rest in the hands of King, Lords, and Commons, he certainly would, as far as in him lay, maintain the represen-

representation of the people in that House in its present form; but if ever he should see a fourth estate introduced into the constitution, he believed he should be bound in duty not only to oppose, but to promote a parliamentary reform.

Mr. *Burke* wished to know where this fourth estate was to be found; the introduction of which would make the honourable member change his opinion of the destined reform. He said he would rejoice to learn in what part of the heavenly system this new planet of a fourth estate might be discovered; at present it was invisible; and what might be its influence or operation of its gravitation in the political planetary system, it was not for him to conjecture. But to drop the curious idea of a fourth estate, he would read to the House a few short passages from a pamphlet, written, or supposed to be written, by a person who was very lately a member of this House, but who within a few days had been translated, not transported, to a place of rest—the House of Lords, which Lord *Chesterfield* used to call sometimes the hospital of incurables, sometimes the hospital of invalids, and which might also very properly be called a political workhouse, as etymologists say, *Lucus à non lucendo*, like a parish workhouse, where people are sent to when they are no longer able to work. The person he meant was Lord *Camelford*, who, like *Elijah*, had been wrapt up into the heaven of rest; to whom he had left his cloak it was not his business to enquire: perhaps this pamphlet might be considered as his cloak, which he left to his disciple in the Lower House. After much laughter and joking, Mr. *Burke* read several passages, which laid it down as a constitutional doctrine that the House of Commons had a right to advise the Crown; that the prerogatives of the Crown were but trusts for the good of the people, and consequently that they could not be constitutionally exercised to their prejudice; and finally, that no Ministry could exist in this country without the confidence of the House of Commons. These, Mr. *Burke* ironically observed, were the pernicious and anti-constitutional doctrines which Lord *Camelford* had the audacity to lay down and maintain, and which were evidently calculated to introduce, cherish, and support what the honourable member was pleased to call a fourth estate in the constitution. The present House of Commons, acting up to the unconstitutional doctrine of Lord *Camelford*, had had the presumption to look upon the prerogative of the Crown as a trust; they had sacrilegiously dared to advise the Sovereign to the

exercise of it; and they had had the insolence to declare that there ought to be an Administration which possessed the confidence of the House of Commons. Thus they had given efficacy to the unconstitutional doctrine of the noble Lord, and introduced that dangerous, that alarming fourth estate, which had operated a political conversion in the honourable member, and of an enemy had made a friend to a parliamentary reform. As to bringing up the petition, he certainly would not oppose it; but as to the reform itself, he would certainly give it the most hearty opposition, as he had not yet felt any change in his opinion on that question.

The Right
Hon. Wm.
Pitt.

The right honourable *William Pitt* observed, that though much had been said, he did not find that there was any opposition to the motion for bringing up the petition. As for himself, he presumed he need not say that he was a friend to it; soon after his introduction into that House, he had declared his opinion of a parliamentary reform: that opinion he had supported in two successive sessions, and the want of success had not made the least alteration in it. If indeed any thing had been wanting to confirm him in his decided adherence to that opinion, it was the conduct of which he had been a witness for some weeks past in that house; a conduct which he was convinced he never should have seen had the reform which the people so much wished for been obtained. He would not, however, be understood to be an advocate for every species of reform which might appear necessary to other men; but a temperate and moderate reform, temperately and moderately pursued, he would at all times, and in all situations, be ready to promote to the utmost of his power.

The question for bringing up the petition was put and carried: Mr. Duncombe then brought it up, and delivered it to the clerk, who read it.

Mr. Dun-
combe.

Mr. *Duncombe* then moved that it do lie upon the table; and the Chancellor of the Exchequer seconded the motion.

The Earl of
Surry.

The Earl of *Surry* upon this observed, that the freeholders of the county of York expected that the right honourable gentleman would have done something more than barely to move that the petition should lie upon the table: they fondly entertained a hope that he would have taken an active part in the business, and supported the reform with all his power. They reposed the greatest confidence in his abilities, which were certainly of the first rate; and as they had formed an opinion that he would not consent to make any part of a cabinet

cabinet, in which there was a man who was hostile to a parliamentary reform, so they presumed that success would attend this application, because they expected that it would be supported by the whole weight of government. This he had been commissioned by a most respectable body of freeholders of the county of York, to communicate to the right honourable gentleman, and he had taken that opportunity to convey to him, in the most public manner, their wishes, their hopes, and their expectations. He himself was a friend to the reform: he had seen the fatal consequences of secret influence, which would not have dared to shew itself, had the House of Commons been constituted in such a manner as to be in reality the representative of the nation: in that case Charles Mellish, Esq. would not have accepted the Chiltern Hundreds against his will, at the desire of the Duke of Newcastle, for the purpose of making a vacancy for the borough of Aldborough, which was known to be entirely at the disposal of that nobleman.

The *Chancellor of the Exchequer*, was surprised to hear the noble Lord censure him for not doing something more than barely to second a motion that the petition should lie upon the table. He might have expected a censure indeed, if he had gone any farther, as he might have afforded the gentlemen on the other side of the House an opportunity to cry out that he had presumed, with desecrated hands, to pollute the fair petition of the people: that he, the creature of secret influence, should dare to interfere when there was question of a measure which was to root influence out of that House. He might have thought, therefore, that considering the fight in which he appeared to the noble Lord, his conduct in barely seconding the motion would have met with approbation instead of censure. He was ready to return the noble Lord his thanks for the flattering opinion he entertained of his abilities, if by other parts of his speech he was not convinced that his good opinion of his abilities was overbalanced by a bad opinion of his political conduct in other respects: he was, however, thankful to the very respectable body of freeholders of the very respectable county of York, for the favourable sentiments they entertained of him; but he was at a loss to conceive when they had learned that the answer would make part of a cabinet, any one member of which should be hostile to a parliamentary reform; perhaps it would be absolutely impossible ever to form such a cabinet; the proposition was a point on which there were so many

The Chancellor of the Exchequer.

different opinions, that he believed if the country was to remain without a cabinet until one could be formed that should be unanimous on this subject, England would never see an Administration. To him, on the other hand, it appeared not a little singular, that the noble Lord and his friends, who were such determined enemies to influence, should expect that a measure relating simply to the Commons, such as a reformation in the representation of the people, should in any degree originate in the Cabinet, or come forward under their influence and protection. All he would add to this was, that individually he would exert the utmost of his power and ability to support the measure of a reform in Parliament, whenever that subject should be brought before the House.

The Earl of
Surry.

The Earl of Surry wished to correct one expression in his speech. When he said that the right honourable gentleman would not consent to make a part of a Cabinet in which there was a single man hostile to the idea of a parliamentary reform, he meant to have said, that the right honourable gentleman would not have taken a situation in a Cabinet in which there was not a majority, or great prevalency in favour of this opinion.

Mr. Fox.

Mr. Fox agreed entirely with the right honourable gentleman, that it was scarcely possible to find a proper number of persons to form a Cabinet, who should agree upon the expediency, policy, or necessity of a parliamentary reform. He was glad to find the right honourable member of his opinion, for it compleatly justified one part of his (Mr. Fox's) conduct, which had been greatly approved by persons, whose good opinion was of very great importance to him. When he was sent back to his constituents the last time, on being appointed Secretary of State, many very respectable persons, who found no ground of censure of the coalition, blamed it merely on this, that he had associated with a noble Lord who had always shewn himself a determined and avowed enemy to a parliamentary reform. His answer to them was the same with that which had been made by the right honourable gentleman, that it was almost impossible to make a Cabinet arrangement of persons who should be unanimous in support of a reform. This certainly was not the case in the present Cabinet; and there was some reason indeed for surprise, that the right honourable gentleman, in the selection of Cabinet Ministers, had scarcely introduced one single person who would support him in his endeavours to bring about that reform.

form. The person whom the language of the constitution emphatically called the Keeper of the King's conscience, was the declared enemy of such a reform; and Lord Sydney, with whom he (Mr. Fox) had acted for so many years, had invariably opposed every attempt that had been made to effect this reform. The right honourable gentleman, however, had not sacrificed his opinion on that subject, when he went into the Cabinet with these noble Lords; nor did he give up his, when he coalesced with his noble friend near him; each had retained his former opinion on that head, just like the right honourable gentleman and his colleagues; and the defence of these Ministers for coalescing, notwithstanding their difference of opinion on the question of parliamentary reform, was the defence of his coalition with his noble friend, as far as that point went.

Lord *Mahon* denied that Lord Sydney was an enemy to parliamentary reform in the latitude stated by the right honourable gentleman who spoke last, though it might be true, *sub modo*: if it was meant that the noble Lord was an enemy to that part of the reform which went to shorten the duration of Parliament, he believed the assertion might be well founded; but if it was meant that he was hostile to the introduction of additional members for counties, to counteract the influence of rotten boroughs, he was sure there was no foundation whatsoever for the assertion; this much, however, he was sure of, that at a meeting in the county of Kent, at which he (Lord Mahon) presided, there was a question put on that point, and the noble Lord divided for the affirmative, so that he consented to let the consideration of that point be referred to a meeting of the county. Here there was a loud laugh, because the noble Lord interpreted the consent of Lord Sydney, that the question should be referred to a county meeting, into an approbation of the measure itself.

La. Mahon.

The petition was ordered to lie upon the table.

The *Chancellor of the Exchequer* presented his India bill, which was read the first time, and ordered to be printed. The Chancellor of the Exchequer then moved that it be read a second time on Wednesday next.

The Chancellor of the Exchequer.

Mr. *Fox* said that as the right honourable gentleman had, in his opening of the business, wished that gentlemen would compare this bill with that which had been thrown out by the Lords, he did imagine that in fixing a day for the second reading, he would have fixed on one sufficiently distant to afford

Mr. Fox.

ford gentlemen time enough to make a comparison. When he brought in the bill which had been thrown out by the Lords, he was accused of having acted with blamable rapidity; and yet he did not move that it should be read a second time sooner than the seventh day after it had been presented: and even then, the right honourable gentleman was pleased to say, that this was shameful precipitation, and called for a longer term: how inconsistent therefore must his conduct be on the present occasion, when he would force the House into the consideration of so important a bill as the present? If he wished or expected that the House would give up their former opinion, and turn their backs on their own favourite bill to adopt another, it could not be supposed that this conversion could be wrought by magic; it must be the consequence of persuasion and conviction that it was a better measure than the former; and this could not be known unless both were compared, which could not be done unless time were allowed for that purpose. He would therefore suggest to the right honourable gentleman, whether it would not be more proper to go into the second reading on this day se'nnight than on Wednesday.

The Chan-
cellor of the
Exchequer.

The *Chancellor of the Exchequer* said that it would ill become him to fall into the fault which he had taken the liberty to blame in the right honourable gentleman, by attempting to hurry through the House a measure which he could expect to carry only on a persuasion of its superior excellence. But though the right honourable gentleman endeavoured to fix upon him the imputation of inconsistency, it was very easy to convince the House that there was not the least ground for the charge, because there was not the least similarity between the conduct of the right honourable member and his own. When the first bill was brought in, it came suddenly upon the House; the Parliament had been called early together; they were told that the business of India would be brought before them; but the precise measure that was to be proposed was kept a profound secret, till the very day it was opened to the House. At that time the House was satisfied only of one point, which was, that something must be done for securing the empire of India to this country: the something which was proposed by the right honourable gentleman was of so extraordinary a nature, so dangerous to the Constitution, by the introduction of executive government; of a power dangerous

dangerous to monarchy, and of an influence paramount to every power in the country; the House might well have expected to pause, to call for time to consider of so new and extraordinary a measure, which spared not even the most sacred, and hitherto deemed secure tenures and franchises in the kingdom: a delay, however, of only three or four days was asked, and that for the purpose of procuring a numerous attendance of members by a call of the House, and yet that delay, short as it was, was refused: it was therefore with peculiar inconsistency, indeed, that the right honourable gentleman called for a delay, who would consent to none, when a similar request was made to himself. Another striking difference between the present case and that of the late bill, was, that the former was brought in upon grounds which had been over and over again debated during the discussion of the rejected bill: to spare the rights of the Company, as far as was compatible with the safety of the public: to avoid the introduction of any innovation upon the Constitution, and to guard against giving any new and dangerous influence to the Crown; these were the great outlines of his bill; and these were the points for which he, and those who supported him, opposed the right honourable gentleman's bill. The House therefore, and he might easily conceive that they would, from the leading features of the new bill, and consequently the subject not being new, it required of course not much time for gentlemen to be prepared to discuss it: and therefore there was not the same necessity for delaying the second reading of it, as there was for delaying the second reading of the rejected bill. To have a numerous attendance by a call of the House, was one ground of the request made to the right honourable gentleman for delay; but as there was now a very numerous attendance, there was not the same reason for postponing for so long a time as a week, the next reading of the new bill. But what was most singular in the conduct of the right honourable gentleman on the present occasion was, that though he had all along argued, that the delay even of a day might be fatal to India, he was now completely forgetful of this circumstance; and he called for a delay of three days; and when it was considered that he meant, if he could, to have this bill thrown out, in order to make way for the second introduction of his own, it was clear that if he succeeded, there must be another more considerable delay consequent upon this, before his bill could

be past: and thus the affairs of India, which might be ruined by the loss of a day, were totally disregarded in this struggle by the right honourable gentleman. For his own part however, as he wished not that his conduct should in the smallest degree favour of that precipitancy, which he thought so blameable in the right honourable gentleman, he would give up the point in question; and without pressing for Wednesday, he would consent to put off the second reading to this day se'nnight.

Mr. Burke.

Mr. *Burke* contended that the grounds of the right honourable Chancellor of the Exchequer's bill had not been all discussed already: there were several points that were entirely new; and required the most serious investigation. The erection of a tribunal for the trial of delinquents in India was entirely new; the absurdity of it, however, could not but strike at the very first blush of it; a court made up of persons who were at one time judges and delinquents must be expected. The bill just brought in by the right honourable gentleman was so very far from being built upon the grounds of the objections which he had made to the bill of his right honourable friend, as to be founded on the reverse of these grounds; for the strongest of these objections went to run down an undue influence, and yet the new bill vested in the Crown an influence paramount to any that had been created by the first bill. It put the whole East-India Company into the hands of the Crown; and the influence arising from the patronage would be the more dangerous, as those who were to have the distribution of the whole, in reality, though perhaps not in name, would be removeable at the will and pleasure of the Crown. But the consent of the Proprietors had been obtained for all that was to be taken from them. This was in reality an insult to common sense — for he would contend, that the violation of their charter was not the less for this consent. The proprietors knew that whether they would or not their charter must be infringed, and therefore they were very glad to purchase what the Minister was pleased to leave them by a voluntary surrender of all the rest — if that can be called a voluntary surrender which makes men give up what it is no longer in their power to keep. The felon, under sentence of death, gladly receives his Majesty's pardon or remission of the sentence, on condition of transportation: why so? Because he knows that if he refuses the pardon under this condition, he must be hanged; and therefore,

fore, melancholy a thing as banishment is to a man who loves his native country better than any other in the world, still he consents to live in exile from that beloved country, because, by consenting so to do, he preserves what is still dearer to him—his life. For his part, he was ready to pay homage to every corporeal and mental virtue that he could see—[here was a loud laugh.] Mr. Burke said the laugh was perhaps a greater mark of ignorance and folly in those from whom it proceeded, than a proof of a blunder in any thing he had said, for he could produce an author of the very first character, in whose works he could shew the same expression. He could not therefore attempt to cure an expression which was far from being a blunder;—he called that a corporeal virtue which depended on the body; such uncommon boldness arose from very strong nerves, and he never knew any one more fully possessed of this corporeal virtue of boldness than the young Chancellor of the Exchequer, who dared to come into office by means the most disgraceful and unconstitutional; and who in defiance of the respect due to the public and to that House, dared to persevere in remaining in his present situation, contrary to the sense of that House, which had expressly declared that they had no confidence in him, and yet he had the modesty to expect that the House should proceed to examine his bill. But surely he ought at least to have told them whether they were to be suffered to live long enough to discuss it, and either pass or reject it. They had indeed got assurances from day to day, but it little became the dignity of that House to live constantly by reprieves; if their death warrant was signed, let them die; but if it was expected that the bill should be examined and debated with candour, let the terrors of a sudden execution be removed, for under them no freedom of debate could exist.

Governor *Johnstone* said some men were so happily sagacious, that they usually broke ground on both sides; at one time they would say and build an argument on it, that the Proprietors of the East-India Company had not given their consent to the propositions, which form the basis of the new bill; and yet, for fear they should be foiled there, they cunningly turn the tables on their antagonists, and say, that if they even did consent it was of no consequence, because if they did consent, it was merely to give up what they were no longer able to keep; so that whether they did or did not consent, was a matter of the utmost indifference

Governor
Johnstone.

to these gentlemen — they liked a war of tongues — they delighted in speeches, in tropes and metaphors, but generally steered clear of argument: for his part, who did not like a war of words or tropes, he would speak from facts, and from them he would argue. A very respectable gentleman (Mr. Lushington) who was a Director of the East-India Company, and whom he was very happy to see in that house, had said on Wednesday last, that the Court of Directors had not given their consent to the resolutions of the 6th of this month: this was very true; for by some means or other the business was put off till the very last moment, when the resolutions were carried before the Court of Proprietors, where they were agreed to, the Directors being present, and none of them objecting to them. But since the ballot, they had been again discussed in the Court of Directors, where no one was prepared to oppose or debate them; and they were agreed to unanimously, though the honourable gentleman himself was present: and indeed he would have been not a little surprised if he had opposed them; because the honourable member had early declared himself an enemy to the principle of the first bill. It had been said also, that though the resolutions had been carried by a ballot, yet that the number of persons who ballotted was so small, that they could not be conceived to convey or express the sense of a body of Proprietors, amounting in number to 1400. This however was a strange mode of reasoning; for as well might it be said, that the sense of the House was not expressed by the members present on any question, but by those who were absent, if the latter surpassed in numbers the former. Such doctrine would not be suffered in Parliament; and if it was false when applied to this House, it was not less so when applied to the Court of Proprietors; they were all summoned by public advertisement; they might all have attended; if they had, they might all have ballotted; and it might be fairly presumed that the absent did not dislike the resolutions, or they would not have failed to attend and oppose them: and in order to ascertain this fact, as far as man could pledge himself for the actions of other men, he would be able to get a majority of the General Court to give their sanction, not merely to the resolutions, but to the right honourable gentleman's bill which he this day brought in. A right honourable gentleman who spoke before him, had cast severe reflections on a tribunal that had the control of the servants of

of the Company in India, stating, that they would screen delinquents; he would, however, venture to say, that men as respectable, and of as fair and honourable a character as that of the right honourable gentleman, would be found to exercise the capacity of judges on all occasions, with as much integrity, and as much justice to the public as well as to the individuals who should be arraigned before them, as any men in the kingdom; and therefore he would wish that gentlemen would refrain from general and indiscriminate censure, and confine themselves solely to those charges which they were furnished with evidence to substantiate.

General *Smith* insisted, notwithstanding what the honour- Gen. Smith
able gentleman had said, the Company had acted in the late negotiation with the Minister, like men who were ready to give up every substantial interest, provided they could retain some little shew or appearance of what they were losing. The Directors did not treat like persons who were willing to part with a little, in order to preserve a great deal; on the contrary, they did not blush to offer more than the Minister's shame would suffer him to accept: for the Directors had made an offer to surrender to the Crown the appointment of Governor General, which the Chancellor had been ashamed to accept. The right honourable gentleman over the way (Mr. Pitt) had, on a former occasion, said that the gentlemen of his side of the House were ready to follow their leaders: for his part he would have that gentleman to know, that he acknowledged no dependence upon any leader; he was independent of any man, free to decide, and to act according to the dictates of his own judgment, and therefore not of the description of persons ready to follow implicitly any leader; and in order to convince him that he was not, he assured the right honourable gentleman that, if he would assure the House that the Parliament should not be dissolved before the India bill should be disposed of, he would vote with him for the second reading on Wednesday, though his right honourable friend had agreed for putting it off till Friday. He was attached to his right honourable friend's principles, which he long had approved; and as long as he should find him supporting those principles, so long he should have his most hearty support.

Mr. *Rolle* said he was not a little surprised at hearing the Mr. Rolle.
right honourable gentleman who spoke last but two, talk
of

of insulting the dignity of the House, which he disregarded so much as to restore to their employments in an office, two persons who had been charged with frauds; and he had restored them after he had felt that such a proceeding would be highly disagreeable to the House.

Mr. Burke. Mr. *Burke* said the honourable Commodore ought not to blame him for liking a war of words; for he himself had never failed to come in for his share; the honourable gentleman could give broadside for broadside; and he knew how to open his lower deckers as well as any man in that House. As to what had been said by the honourable member who spoke last, he held his abuse in such contempt, that he would not deign to give an answer to it.

Mr. Rolle. Mr. *Rolle* replied, that since the right honourable gentleman despised him, he would, on Thursday next, move for papers relative to the transactions he had alluded to; and on which some propositions might be grounded, that would make the right honourable gentleman not very well pleased with himself for having acted with so very little deference to the opinion of that House and of the public.

Mr. Burke. Mr. *Burke* said he did not mean to say that he despised the honourable gentleman; but he despised most cordially the threats which that gentleman had, more than once, thrown out against him.

Sir Richard Hill. Sir *Richard Hill* cautioned the House to be on their guard, not less against corrupt influence than against secret influence: the latter might sometimes be good, but the former never. There was one instance of secret influence being of public utility, and it was related in a book, which it would be for the good of mankind was it much more the study of the world than it is — he meant the Holy Bible. There it was related, that when Haman was meditating the destruction of the Jews, intending to enrich themselves with their spoils, the honest Israelite Mordecai went to the Queen of King Ahafuerus, who by the power of her secret influence with her husband, averted the danger which threatened the people of God; and Haman, who was already rioting in imagination on the spoils of the Jews, was driven from the cabinet of his Prince, and was hanged on a gibbet. Thus an innocent people were saved from destruction, and justice was executed on a villain, through the means of secret influence. But corrupt influence must ever be bad. What might be the consequence, if it should happen that an Heir Apparent should attend in that House, and during a debate should, by his

his looks and gestures, endeavour to countenance a faction, and influence the votes of members? Might not such conduct be construed to be a species of corrupt influence?

Here Sir Richard was interrupted by a general murmur of the House, and a cry of Order! from many parts.

Lord *Melbourne* said, that what the honourable Baronet Lord Melbourne. had been saying, amounted to a direct attack upon the Prince of Wales, and therefore he would call upon him to adduce his proof.

Sir *Richard Hill* replied, that he meant no attack upon his Sir Richard Hill. Royal Highness; he was only speaking hypothetically — the Prince, of whom he had been speaking, was merely a hypothetical personage!

Lord *Delaval* spoke in favour of Lord North, and of the Lord Delaval. bill which had been rejected, and concluded by saying, that the Prince of Wales acted extremely right, in his opinion, in attending the debates of Parliament, for the purpose of imbibing true principles of the constitution, of which he was born to be one day the guardian and protector.

Sir *Richard Hill* said, that for such purposes as these mentioned by the noble Lord, he had no objection to the presence Sir Richard Hill. of the Prince in that house.

The bill was ordered to be read a second time on that day se'nnight.

Mr. *Fox* moved the order of the day for the House to go Mr. Fox. into a Committee on the state of the nation.

The Earl of *Surry* begged to know from the right honourable gentleman on the Treasury Bench, whether he would The Earl of Surry. be pleased to give the House the satisfaction to inform them whether a dissolution would take place before the India bill should have been disposed of. He had a petition from the town of Sheffield, for a bill that was absolutely necessary for that town to carry on its business; but as the idea of a dissolution pervaded men's minds in every quarter, the people of Sheffield did not think it prudent to apply to the House at present, lest after they should have proceeded some way in the bill the Parliament should be dissolved, and they should thereby lose both their money and their pains.

Mr. *Fox* said, that for his part, let the honourable gentleman give what answer he pleased, or no answer, that would not satisfy him, or prevent him from going into the Committee. Mr. Fox.

The *Solicitor General* hoped that his right honourable friend The Solicitor General. would give no answer at all to the question. He wished this country might never have a Minister who should suffer himself

self to be drawn in to pledge himself not to advise the Crown in any given contingency, to exercise his prerogative to dissolve his Parliament. And he equally wished that this country might never have a King, who would tie himself down upon every occasion not to exercise this prerogative, even when it should seem to himself, and to his Ministers, advisable to dissolve the Parliament. Did gentlemen wish to strip the Crown of this prerogative? Let them bring in a bill for that purpose, as was done in the reign of Charles I. which should declare that the Parliament should not be dissolved without their own consent: such a bill once passed into a law, would of course become part of the constitution; and then he would have no objection to it. But he would appeal to the judgment and decency of the House, whether it would be proper to be continually calling upon the Minister and the Crown for answers and explanations. After the Revolution, an address had been presented to the King, by the House of Commons, to request his Majesty (William III.) would inform them by whom he had been advised to give his negative to a bill that had been presented to him for his royal assent. An answer was given, which happened not to please some men, who moved for another address, in order to obtain a more explicit answer; but the good sense of the House interposed, and quashed the proceeding.

General
Conway.

General Conway said, that a most unconstitutional doctrine had been advanced by the right honourable gentleman at the head of his Majesty's Treasury some few days ago, of which he took notice at the time; but the right honourable gentleman did not think proper to take any notice of his animadversions. He said, that it was his duty, as a Minister of the Crown, not to make any comments on the King's answer. Now, as he had all his life been taught to look upon every answer from his Majesty, and speech from the Throne, to be the answer and speech which the Minister puts into his mouth, the Minister of course must know the meaning of what he himself advised; and as he is responsible for both, he ought of course to explain them, when they appeared not to be sufficiently understood. To refuse therefore to give an explanation, under the pretence that an answer was the answer of his Majesty, was, in his opinion, unconstitutional, unparliamentary, and destructive of that freedom of debate which makes it necessary for every speech and answer from the Throne to be in fact the speech and answer of the Ministry.

The

The *Chancellor of the Exchequer* replied, that his reason for not thinking it proper to give any explanation of an answer was, that it was not constitutional, and for this reason — the answer being, as it unquestionably was, according to parliamentary usage, the answer of the Minister, for which answer, he its meaning what it might, he must be responsible, as a Minister who advised it: he was of opinion that it would be improper to give, in his place in the House of Commons, as a member, an explanation, for which he was not responsible, of an answer, for which, as Minister, he was responsible.

The Chan-
cellor of the
Exchequer.

General Conway said this was not satisfactory.

The Speaker left the chair, and the House went into the Committee, Mr. Hussey in the chair.

Lord *Charles Spencer* rose, and said, that notwithstanding the want of habit of speaking in the House, and his natural timidity in that respect, he could without great difficulty find courage sufficient to offer a resolution to the Committee, which was become necessary to the welfare of this country. The House of Commons had already declared, in the most unequivocal terms, their want of confidence in the present Administration: by what arts they still maintained their situation he knew not, but he was certain when his Majesty should be convinced that the House of Commons could not confide in his present Ministers, he would that instant withdraw his confidence from them. The resolution which he had to offer followed naturally those to which the House had already agreed: it was the most moderate that could be proposed in our present sad situation, and would, he flattered himself, have every good effect; the kingdom would again see a settled, efficient Administration, who would have the confidence of the House of Commons, and consequently of his Majesty, who ever had and ever would, when not deceived by bad counsellors, give attention to the wishes of his people, and of his faithful Commons. His Lordship concluded with moving to resolve,

Ld. Charles
Spencer.

“ That it having been declared to be the opinion of this House, that in the present situation of his Majesty's dominions it is peculiarly necessary there should be an Administration that has the confidence of this House, and of the public; and that the appointments of his Majesty's present Ministers were accompanied by circumstances new and extraordinary, and such as do not conciliate or engage the confidence of this House; the continuance of the present Ministers in trusts of the highest importance and responsibility, is

contrary to constitutional principles, and injurious to the interests of his Majesty and his people."

Mr. Baker. Mr. *Baker* seconded the motion: he recapitulated the general arguments in support of it, and called upon Ministers to know if there were any grounds for certain rumours, now in circulation, of an alarming nature? Rumour said, that monied men in the city had joined together, and offered to furnish Government with a very large sum, for the purpose of enabling Ministers to dissolve the Parliament, and corrupt their constituents. If these rumours were true, a deeper wound was given to the constitution than any it had yet received, and a fourth estate was created with a witness. Mr. *Baker* commented upon this with great pointedness and ingenuity.

Mr. Powys. Mr. *Powys* rose next, and said, as the two resolutions, to which the present resolution was declared to be a necessary consequence, were voted at six o'clock last Tuesday morning, when gentlemen were quite exhausted, and unable to enter into a debate on matters so extremely important, he rejoiced at the subject of them being now brought forward, when a fair opportunity for discussing it offered. He said he had not been in town before the holidays, when the honourable gentleman who spoke last had made his motion on the 17th of December, or he should have voted with him. At this time, he observed, the two great parties into which that House was divided, had, at the head of each of them a man of high honour, and transcendent abilities. Both of them characters to whom the country must necessarily look up with admiration and confidence. He did not like the ground on which the present Ministers came into office; but as they were there, he had rather they should not go out. He said he had a great predilection for Mr. Pitt; he had also as strong a predilection for Mr. Fox, notwithstanding he could not approve of his coalition with the noble Lord in the blue ribband. He admired and acknowledged his great talents, and he would freely declare, he thought his ambition laudable and honourable. He must at the same time say, he believed he did not care by what means he gratified it. He had long wished the two right honourable gentlemen could have acted together; but then he would acknowledge he saw the difficulty. The noble Lord in the blue ribband could not be disgraced, without the right honourable gentleman's being disgraced at the same time: the disgrace of either must be the disgrace of both. The noble Lord now shone with a reflected lustre, with borrowed light. He was a man not *laudandus*, but *ornandus*,
tollendus!

sollendus! He wished that could be the case. Mr. Powys next went into an admirable disquisition on the constitution; with all his anti-republican notions, he said, he regarded the Crown and its prerogatives as a part of the people's rights held in trust for them; the Sovereign was bound, by the most sacred of all ties, to exercise his prerogatives wisely, and for the benefit of his subjects. His Ministers were to answer for the exercise of the prerogative, and were responsible for it. The prerogative of putting a stop to any bill by a negative, was grown obsolete, but not given up. If a time ever should arrive, when two of the branches of the Legislature should conspire together against the other, in what manner, Mr. Powys asked, must the Crown preserve its own independence? He described Mr. Fox's powers in most striking colours, and told the following story in analogy to them:—At one of the King of Prussia's dinners, where the conversation is always carried on with perfect freedom, his Majesty being in a gay humour, said to Abbé Bastiani, "When you shall obtain the Tiara, how will you receive me, when I arrive at Rome to pay my duty to your Holiness?"—I will immediately give orders, replied the Abbé, "*Qu'on fasse entrer l'aigle noir, qu'il me couvre de ses ailes, mais — qu'il m'épargne son bec.*" — He ended with summoning up a variety of objections, and declaring that, every circumstance considered, he should oppose the motion as premature, unjust, unprecedented, and unwarrantable.

Mr. Jolliffe made a handsome panegyric on Lord North, Mr. Jolliffe. whose conduct and ability, he said, had long deserved and excited his commendation. Mr. Jolliffe argued in favour of the motion, and said, no Minister which that House and the people did not approve could stand.

Mr. Drake said, in such an alarming crisis of public af- Mr. Drake. fairs, when violent measures were pursuing, it became moderate men to step forward, and, by an honest exertion, to counteract them, and defeat their pernicious effect. He said he wished that there might always be an honourable opposition; it was right to keep up in that House a proper jealousy of Administration, to make them wary and prudent. Opposition was, he declared, the ventilator of the constitution; it preserved it in health and vigour. He took notice of the address the city of London had gone up with to St. James's that day; mentioned the violence of the late East-India bill, commended the moderation of the present; advised the House by no means to agree to a motion calculated to disgrace an Administration just come into office, and that had taken no

one measure by which their good or ill conduct could be judged of; and concluded with saying, that he should not wonder if the address of the city of London was echoed by every city in the kingdom.

Mr. Holdsworth,

Mr. *Holdsworth* opposed the motion: he said he considered himself as put to his option, whether he would chuse an Administration in possession of the confidence of the Crown, or an Administration in possession of the confidence of the House of Commons? It was difficult to decide either way; but he would prefer the latter. He then spoke of the two India bills, and gave that brought in by Mr. Pitt the strongest commendation. He delivered a warm eulogium on that gentleman's character and talents, and spoke of his conduct in a recent instance, in the disposition of a lucrative place for life, in terms proper for so praise-worthy a piece of conduct. He asked if it was for that proof of disinterested regard for his country, that opposition would turn Mr. Pitt out of office? Mr. Holdsworth added other reasons for disapproving the motion.

Sir William Dolben.

Sir *William Dolben* said, he should not have risen to speak, but for an expression dropped by an honourable gentleman under the gallery (Mr. Jolliffe); an expression which not only no true Whig, but no true Tory ever would countenance, he was persuaded. The expression, as it struck his mind, was, that the Ministers must be chosen by that House and the people. This, Sir William said, contradicted every idea he had read of or met with relative to the British constitution, and therefore he could not let it pass unnoticed. The same honourable gentleman, Sir William observed, had said a great deal of his respect for the noble Lord in the blue ribband; he had entertained as sincere a regard for that noble Lord as the honourable gentleman, and he had preserved it with as much, and as constant and unremitted an attention. With regard to the motion, when he recollected that the present Ministers had as yet had no trial, that a bill was in possession of the House, which the right honourable gentleman had declared he desired to have fairly discussed, and compared with the bill of the right honourable gentleman, and wished to stand or fall by that bill, he could not but think the resolution now moved deserved the epithets bestowed on it by the honourable gentleman on the other side of the house, who had deemed it premature and unwarrantable; he should for that reason give it his negative.

Mr. Jolliffe.

Mr. *Jolliffe* rose to explain: he declared he had not said that the Ministers ought to be chosen by that House and the people.

people. What he had said was, that no Ministry could stand which that House did not approve.

Mr. Fox observed, that political distinctions were by no means involved in the present question. The principles of Whig and Tory, said he, which have given rise to so much difference of sentiment, and to so much disputation in the world, have no connection with it. In my conversations with the rankest Whigs, and in the course of my reading on their political questions, I have never found the hardiest of them deny a right inherent in the prerogative to elect its own Ministers. On this point all are satisfied, all are agreed. But though this be the admitted and established right of the executive branch of the constitution, is it not also the privilege of this House, and of Parliament, to decide on the conduct of Administration, on the peculiarity of their introduction into office, and on those circumstances which either entitle them to the confidence or the reprobation of the House? It was on this principle allowed on all hands, and the exercise of which, in many and various instances, has saved the country from ruin, that the resolutions of Monday last were submitted to the Committee, and afterwards received the sanction of this branch of the Legislature.

But though it is surely the prerogative of his Majesty to appoint his Ministers, it may still be a point worthy of consideration, how far it may be prudent, wise, and politic in a Monarch to continue them in power, and support them in office, when they are declared by that House to have been elevated to their station by means unconstitutional, and such as have rendered them unworthy of the confidence of the House. On this question, as he could not allow himself even to imagine that a Monarch would appoint Ministers whom he did not think possessed of the confidence of Parliament, so he could not even form an idea that a wise and prudent Sovereign would be hardy enough to continue in office those who had been reprobated as undeserving their regard. In my opinion, therefore, there is no medium, there is no option to the Crown, if the late resolutions remain unexpunged,

It has been alledged that these resolutions were passed at a late hour, and that they were precipitated in a manner unbecoming their magnitude and importance. It is true they were decided at the conclusion of a long and tedious meeting. But let gentlemen reflect on the numbers who voted on the occasion, and even on the length of discussion to

to which they were previously subjected. There were 338 members in the House at the period when these resolutions were adopted, and, though decided at a late hour, their grounds had, in the preceding course of debate, been frequently touched on, and fully explained.

Much has been said of the importance of an immediate and rapid discussion of the bill which has this day been read in the House; I hope every member will pause over these suggestions; he will reflect for a moment in whom this bill originates; he will consider that it comes from men, and is supported by men, to whom this House has denied its confidence, and whose mode of election it has reprobated and condemned.

I will frankly coincide with an honourable member who has asserted, that the failure of any bill proposed by Ministers is no cause for their dismissal from office. This is a sound doctrine; let it be applied to the dissolution of the late Ministry. A bill received the sanction of one branch of the Legislature, and was submitted to the consideration of the other. Every thing seemed to promise it at first a favourable reception in the other House—there was only one method, a method as new as unexpected, as secret as infamous, by which it could be overthrown. This dark design was accomplished by a member of the present Administration, but who has since, for reasons best known to himself, resigned his charge. It was not therefore the failure of the India bill in the other House which ejected the late Ministry from office, but the mode by which that failure was accomplished; a mode, which being new and extraordinary, this House has condemned. On these accounts, though the India bill which has been this day read, were the essence of political wisdom, it ought to be rejected by the House.

It has been asserted that the influence of the Crown in this House is diminished. Still, however, is it not great and extensive? Does not the dismissal of the late Ministry, and the adoption of the present, exhibit and illustrate its magnitude? Were not both these measures effectuated by the means of a dark and secret influence on the Royal mind? Was it not in this way that Ministers, who had been emphatically styled the Keepers of his Majesty's conscience, were dismissed from the participation of his councils and government? These were facts which were no secrets. These the person who was accessory to their ex-

istence

istence, found himself under the necessity of publishing; and whilst he published them he published his own infamy. Would a man, with the heart of a man, have acted so mean and shameful a part?

Whilst I thus express myself respecting the rights of Parliament; whilst I assert the privilege of this House to decide on the conduct of Ministers, and to consider the modes or artifices by which they have got into office; whilst I exhibit and condemn their conspiracies against the constitution of this country, let it not be understood that I wish to diminish those rights which are legally invested in Majesty. The prerogative of the negative is a maxim which I have always admitted, always asserted, always defended; who doubts it? I for one never have; had this prerogative on a late occasion been exerted, not in the dark and under the baleful shade of a secret influence, but in an honest, in an open, and avowed manner, I should have applauded the measure, and vindicated Majesty in its defence, and constitutional operations.

An honourable member (Mr. Powys) has reflected on my ambition in the progress of my parliamentary conduct; but by what fact can he substantiate his charge? Has not my conduct been always consistent? Have I prosecuted any road but one? Have I not sought to elevate myself by direct, open, and constitutional modes? Have I endeavoured to gratify my ambition by the artifices of secret intrigue, by sculking behind the Throne, by flattering his Majesty's prejudices? Have I ever deviated from the principles I have avowed, or inconsistently and meanly attached myself to one administration in eighty-two, and another constituted on opposite principles in eighty-three? No one can state such objections to my conduct.

A coalition has been the subject of recommendation during the course of debate. I neither court nor avoid union with any party. Such coalition, however, must be established on a broad and consistent basis. Every well constituted Administration must be one with itself. This is absolutely indispensable. The noble Lord with whom I formed a coalition, differed from me on various grounds previous to the establishment of this connection. We differed on the subject of the American war. This difference however was obviated when that war came to a period. I thought the influence of the Crown too great. On this subject the noble Lord also differed from me. This ground of contrariety
of

of opinion was likewise, in some measure, taken away. A third thing, in which the noble Lord and I entertained a variety of sentiment, was his connecting himself with an Administration of whose measures he did not perfectly approve. This point the noble Lord may still defend, whilst I maintain my former opinions. These were the material grounds on which, in our political conduct, we differed, and which being done away, every objection to our coalition was removed. I have therefore no objection to connecting myself with persons of any description, with whom I can form a permanent union on sound and general principles, with men who enjoy the confidence of this House and of the public. When such persons appear, I shall reckon it a duty to coalesce with them, a duty which I owe to my country.

A language has been held by a gentleman under the gallery, that his Majesty had a confidence in the present Ministers; but could such an idea be for one moment supported in the House? Could it be believed that Majesty had a confidence in men who had formed a conspiracy against the Constitution, and got into office by an act of treachery? Such a supposition was a libel on Majesty; after the resolutions of Monday it could not exist; and I have too great a respect for the Sovereign almost to dwell on the supposition of its being.

The error is a common one to confound personal and political confidence. That his Majesty may repose a personal confidence in his present Ministers, separately and individually, I have no doubt; but that he should repose a confidence in their political character, under the opprobrium which rested on them, was too gross an idea to be admitted or entertained. What language did such a supposition exhibit to every member in the House? Was it not saying to him, spend not your time in politics; cease to study the constitution of your country, or to rise to eminence in the senate; rather study the arts of ductility and secret intrigue; these are much better calculated to give you distinction in the State, by rendering you the objects of Royal regard; I venerate the character of the young man who holds the reins of Government of this country at present; I admire his virtues and respect his ability, but if he would conciliate the favour of such a Monarch, he must sacrifice every ingenuous quality in his nature; he must substitute cunning instead of wisdom, complaisance instead of honesty, and meanness instead of real fortitude and magnanimity. He, therefore,

therefore, who maintains that the present Ministry enjoy the confidence of the Crown, affronts the dignity and wisdom of Majesty, and even fights on his stumps in defence of a reprobated Administration.

These circumstances therefore strongly impress me with the idea, that the King was either ignorant of the resolutions of Monday last, or that his Ministers had deceived him with respect to them. When the noble Lord who sits near me, and who had governed the country for so long a period, at last found himself deserted by the House, and a majority of nine only in his favour, even in this situation he retired with becoming propriety and decency. How much more then was it incumbent on those to follow his example, against whom a much greater majority had appeared on a vote of censure on their admission to office.

There was, therefore, a political necessity for the present motion. I am happy, however, that it is not personal, and would still hope that the measures of the present Administration would not lay the House under the necessity of following up their former resolutions by an address to the Throne.

Much has been said of the confidence of the public in the present Administration. I have been told that this day an address has been carried to the Throne in support of this idea. But if in that address it has been insinuated to Majesty that his late Ministry threatened, or still threaten, to invade the prerogative, I have only to assert, that such an insinuation is false.

A rumour has been circulated, and adverted to in the House, that it was the intention of the public to correct the vices of Parliament, by supporting Ministry by voluntary benevolence. Of this mode of subsisting Administration, independent of parliamentary subsidy, I remember to have received a most able and decided opinion from that acute and masterly genius, Lord Ashburton, whose loss to this country I cannot sufficiently lament. As, however, it is the most improbable, I think it is also the most innocent mode of supply that has been devised. In the present case, however, it is more dangerous perhaps than in any other. The situation of this House, threatened by the existence of a Ministry whom they have condemned, would render such a measure, were there not an improbability of its existence, truly alarming.

I have only one point more to touch on, and which I cannot pass over in silence. Much has been said of active

and passive influence. This is a doctrine which, in its application to the Royal Personage who has frequented this House of late, I do not understand. God forbid that he should not feel in its political concerns. Where is he more likely to imbibe a knowledge of the principles of the Constitution than within these walls? How can he more eminently illustrate the excellence of his character than by thus blending his personal respect for his Majesty with his attachment to his country? He concluded with giving his assent to the motion.

Mr. Henry
Dundas.

Mr. *Henry Dundas* spoke to the following effect: After the testimony of so many honourable and independent gentlemen who have, with one voice, acknowledged that the resolution before you is in the present case absolutely unwarrantable, I rise with peculiar satisfaction and peculiar advantage, and I must therefore be allowed to augur well of the event of this night's debate. Sir, I rejoice to see the moderation and temper which has shewn itself on this day; I rejoice that we meet the question fairly, and that it is not brought forward as that was, upon which this resolution is to be founded, and of which it is said to be nothing more than a mere corollary—the former, important as it was, not only to the interests, but to the personal honour of his Majesty's present Ministers, was brought before us suddenly and unexpectedly at five o'clock in the morning, when every man's faculties for speaking, for hearing, and for judging properly were exhausted by a previous debate of more than twelve hours, and when a very considerable part of the House had departed, under the firm and very natural persuasion that no more questions of consequence were likely to be introduced. The present question, as it is brought forward at a better hour and with a better temper, so will it be decided upon, I trust, with a better and clearer judgment; and I assure you, Sir, I shall attempt so far to follow the example of those before me, and of the right honourable gentleman himself (Mr. Fox) as to suffer nothing personal, nothing indecent, nothing heated, nothing unbecoming the critical and awful hour in which I speak, to escape out of my lips.

Sir, the first thing I have to observe is clearly and distinctly this: that allowing, for argument's sake, actual credit for every report without doors, and every insinuation that has been made here, the present resolution is nevertheless utterly without foundation.

What

What, Sir, is the utmost that reports have ever said? That my Lord Temple has indiscreetly, wantonly, and, if you will, unconstitutionally reported his Majesty's private opinion on the subject of the India bill, and that in the House of Lords that bill has been by this means thrown out. But, Sir, is my Lord Temple a Minister? Your resolution says his Majesty's present Ministers: Lords of the Bedchamber are no Ministers; whom, therefore, are those men that your resolution means to slander? I call on the noble Lord to amend his motion, and to name in it the names of every Minister of his Majesty, on whose character he means that this stigma should alight. Sir, I defy any man even to insinuate that any one of his Majesty's Cabinet has ever had the least share of that secret influence upon which this motion is founded, and for which it is to turn them out of office. Sir, they are not even accused; they have a right to be accused, and they will deny every part of the imputation. The throwing out of the India bill was a matter previous to their appointment, in which they had no concern, and for which they can share no blame, even if I allow, for argument's sake, that blame is due any where.

His Majesty's present Ministers have, I assert, been constitutionally chosen by him who has the sole right to choose them; and by this resolution they are by this House instantly turned out.

Sir, is it therefore for their incapacity and insufficiency that you overthrow them? (The House having cried hear! hear!) Mr. Dundas said, then, Sir, I insist that their incapacity and insufficiency shall be named in the motion as the ground upon which you at once deny them your confidence. Let this House judge and know upon what ground they give their vote. Let me tell you, Sir, our constituents will ask to know, the people of England must and will know, why Ministers named by his Majesty are instantly turned out by the House of Commons; turned out, I say, before they are tried, and condemned before they are accused.

Sir, if this resolution means any thing, it is in the nature and spirit of an address, requesting the King to appoint a whole new set of Ministers. I am forced, therefore, to view it in this light, since it is in effect pointed at his Majesty, and must probably be followed up by an address in the same tenor and to the same purport.

I beg, therefore, the House will go with me in considering how the Royal mind must feel, and what sort of language his Majesty must hold to himself upon such an address.

“ You send me back the Ministers I have just chosen ; have I not then the right to choose my Ministers ? Certainly yes, you say. But what crimes have they committed ? What is it they have so soon perpetrated ? Certainly not one act of their administration is yet passed. Are they, therefore, without the confidence of the House of Commons ? Are they men so unpopular, so incapable, so insufficient, that you will not bear with them even for a moment ? Is the Minister who devotes himself to the House of Commons, particularly, so unpopular and so incapable ? I had chosen him, I had singled him out as a man, of talents the most astonishing, of integrity the most uncorrupt, of a reputation the most extraordinary. I had fondly imagined him the favourite of the House of Commons ; I had been taught to fancy, that in celebrating his name, all my people joined in one anthem of praise.

“ Is it for this therefore that the House of Commons thus instantly condemns him ? Is it on account of his fair fame and unexampled reputation that I am desired to withdraw my public confidence from such a person as this ? It follows, no doubt, therefore, that you wish me to substitute characters as opposite as possible to this ? You wish me then to name some man or men in whom I can place no confidence ; some man or men whom my people execrate, and in whom I myself, in perfect union with my people, cannot confide. If such men are to be my only choice, if unpopularity, hatred, and distrust are to be the qualifications and the great characteristics that form a Minister in these days, it would be matter of the sincerest joy to me, if the House of Commons would permit me to wave my choice ; let the House of Commons name their Minister ; let them search out persons suited to their purposes, only let me not be forced to play the farce of naming to them men whom they have singled out, whom my conscience condemns on public grounds, and whom my people tell me they do not approve.”

—Such, Mr. Dundas continued, would be the natural answer of a King, allowing him to be a man of feeling, and a man of honour, like ourselves, on such an unheard-of address as this ; just this necessarily must be his private sentiments and soliloquy on the occasion. Therefore, says he,
I would

I would beseech the House of Commons at once to name the men in whom alone they are determined to confide. Already we know their names. Let us bring in a bill, naming the right honourable gentleman and the noble Lord exclusive Ministers of this country for a term of years; for that is precisely the spirit and meaning, that, Sir, is the plain English of this resolution, except indeed that by the present motion, the House of Lords is exempted from any share in the nomination; whereas, if it was a bill, it would not be the House of Commons alone that would name the Minister of this country.

Sir, we have been told by the right honourable gentleman, that this is a great constitutional question, and not a question who shall be Minister. I meet the House on that ground, and I beg leave to request no more favour than this, viz. that every man who thinks with the right honourable gentleman, that this is not a question who shall be Minister, will vote with him, and I am content that all the rest should vote with me. Nay, Sir, if there is any man in this House who in his conscience does not think that this resolution serves to name the right honourable gentleman and his colleague, the Ministers and the only Ministers of this country, I am content that all such persons, to a man, should vote against me. I feel on this ground very sure of finding myself to-night in a most respectable majority indeed.

Sir, I have no personal objections or dislike to the noble Lord or the right honourable gentleman; it is upon clear constitutional grounds that I resist this vote, and I call upon the independent part of the House that they will stand forth and maintain the character, the moderation, for thus I will venture to say they will most effectually maintain the true consequence of this British House of Commons. Let the House look well to its conduct this night, for this night it is about to decide what is the constitution of this country. The assumption of power and privileges which did not belong to it, has once proved the overthrow of this Constitution; we are verging towards the same precipice again, we are claiming to ourselves the right of appointing Ministers, we are disclaiming the nomination of his Majesty, without cause and without trial: let us consider this question, I say, without favour or affection, for we are this night deciding on the Constitution.

Mr. Dundas added a few observations respecting the attendance of a great personage in the House of Commons,
and

and hinted, by an hypothesis, if on any occasion such personage should testify by his behaviour or gesticulation in the House itself, any partiality to any particular party of men in the House, such marks of partiality might serve as a means of influence, and would not be perfectly becoming.

14. North. Lord North said, that having so often asserted the legality of giving private benevolences in bounties for raising soldiers and seamen; purchasing relief in cloaths and other things for prisoners; building of ships of war, and the like, he could not condemn those who laid out their money in any of these ways, for the use of the public, or of those who were engaged in its service; but he would on the other hand as positively maintain the illegality of benevolences, when given for the purposes of corrupting an existing Parliament, in corrupting the electors at the election of a new Parliament, or to enable the Crown to do for ever without any Parliament at all; and therefore he would be greatly alarmed at hearing that benevolences had been offered for purposes that did not come within the description of those which he stated to be legal, if he was not convinced that men were in general much more ready at promising than at performing; but his fears subsided when he reflected that 1,000,000*l.* was not so easily raised on private credit; or even if it could be raised, those private persons would not be very forward to stake their credit and their property, but more particularly at so critical a situation; therefore his mind was pretty much at ease on that head. An honourable gentleman had said that he shone with borrowed or reflected lustre; better even were it for the country, that this moon should be restored to the hemisphere, than that it should be left in darkness: was the bright star that ought to illuminate it eclipsed, or was it set, and lost to human eye? The honourable gentleman had applied to him an expression that had been applied to a great predecessor of his, with the difference of a *non* — “*non laudandus—ornandus—to'lendus.*” — He presumed the honourable gentleman did not mean *tollendus* in the worst sense; he hoped he did not wish him to be killed: he wished him, however, to be *ornandus*; that is to say, in very vulgar English, to be kicked up stairs. For his part, he had no inclination to be kicked up stairs; he should be sorry to stand in the way of any agreements that might be useful to the country; but nevertheless he would not go to the House of Peers; he would stay in that House, to defend his character and his honour, as often as he should hear it attacked. If, by the course of nature, he should be

he carried up to the House of Lords, he would think it an honour of the highest degree, if Ministers would suffer this House to enjoy its rights and privileges in the scale of the constitution ; that is to say, if they suffered any constitution at all to exist in the country ; if they did not, then he would go to the Upper House, as to a place of rest, or, as some people of this House would say to him, as a place of sleep, where he would repose for the rest of his life, with this only consolation on the approaching insignificance of the Peerage, that it was the branch that would be attacked last by the secret influence, and be swallowed up in the immensity of royal power, become absolute by the extinction of the other two branches of the constitution. But his honour and his character would not suffer him to accept of a Peerage now : the acceptance of it would place him in that situation in which Agrippine describes herself in the tragedy —

“ Je vas croître les bonheurs et tomber mon crédit.”

It had been said that the resolutions on which the one then before the Committee was grounded, had been carried at six o'clock in the morning ; but gentlemen should recollect that it was after a very long debate, and that there were present, on the division, 343 members ; a very considerable number indeed ; greater by far than the number by which ninety-nine questions in a hundred in that House were determined.

His Lordship concluded his speech by some handsome compliments to the Prince of Wales, who, instead of throwing himself into the arms of base flatterers, attended the House of Commons, where he might learn the true spirit of the constitution, and the nature of this limited government.

Mr. *Macdonald* said, that the true point to be considered was this, whether there was good foundation for the removal of the late Ministers, and whether the present Ministers could as yet have made themselves obnoxious to the House from any official ground, which alone the House as such could look to. He contended that the India bill had manifested such principles of government, as made it, in his mind, the duty of the Sovereign to remove them. The existence of the constitution, he maintained, was involved in the success of that pernicious project, by which it was demonstrated, that the rights of the Crown would be overlaid by the weight of a new influence. He observed, that anecdotes, obscurely stated hitherto, which respected a noble Lord in the other House, were artfully introduced to keep out of sight the necessity for a late removal. These anecdotes of a noble Lord were, that

Mr. Macdonald.

he gave his opinion, though not in office, and finding those of his Sovereign agree with them, published that fact, and from hence it is concluded the bill was lost in the other House. Admitting the noble Earl to have been wrong, for argument's sake, yet how were the present Ministers contaminated by the conduct which any individual might think proper to hold? But he denied such conduct was wrong: some lawyers had indeed advanced that no subject could advise the Crown, but responsible Ministers. Only one authority had ever before maintained that it was not the privilege of the Peers so to do, and of the Commons, when permitted. Mr. Justice Allybone, the Papist Judge stuck on the Bench of James II. to judge the seven Bishops, had indeed been the first, and he hoped would have been the last, who uttered such doctrine: his brethren on the Bench indeed told him, that his doctrine was not to be maintained, and were dismissed for this language of freedom. The alternative then was this, that the successors of those who would have destroyed the constitution of Great Britain, must not be suffered to act, though men of character and principle, to support a doctrine, which, if it were true, they had not to answer for, but which was so far from being true, that it had been reprobated even in James the Second's time. Perhaps it could not be better expressed how unjust it was to impute any circumstance which a noble Earl was engaged in, to the Ministers, than by reminding gentlemen of an expression of the honourable gentleman below the gallery, "that it is ever to be guarded against in reasoning, not to mistake concomitant circumstances for cause and effect." What the noble Earl had thought fit to do was not the cause of the appointment of the persons in question, but the salvation of the country, by preserving the unity of the executive power, which every man was deeply interested in preserving; for upon that very unity depended the possibility of keeping it within just bounds. This bill, he said, which had those pernicious qualities, the noble Lord had threatened the renewal of, and the gentleman who had been his colleague had done the same, but was now willing to alter any thing, provided he did not alter the substance.

The noble Lord, Mr. Macdonald observed, in vindicating the resolutions, passed under extraordinary circumstances at six the other morning, and then first proposed, said, "You have them here; you may now consider them, and pass your judgment." It was a method, he remembered, proposed by a man of wit, that the House should vote first, and discuss afterwards;

terwards; that it was exactly putting that plan in practice. The resolutions, from which the present was drawn, and which were stated as rendering it necessary, ought to have come forward with solemnity, and to have been submitted at a time when gentlemen's attention was not worn out. It was plain, he observed, that the whole of this topic, respecting any circumstances which an individual might chuse to give birth to, were unjustly imputed, if wrong, to others, for the sake of doing the monstrous injustice of not suffering the Ministers, whom his Majesty had appointed, even to begin: with justice indeed might a line, quoted by the late Secretary, be applied to these resolutions —

“ Sed quo cecidit sub crimine, quisnam
Delator, quibus judiciis, quo teste probavit?
Nil horum; verbosa et grandis epistola venit
A Capreis.”

He reminded Lord North that he had expressed his opinion of the present Minister in that House, upon a former occasion, as one who was born a Minister; it now appeared that he wished him to be a still-born Minister. He proceeded to shew the injustice, both to the Crown who appointed, to the House, to the people, and to the persons of the Ministers as yet untried, to prejudge them in the manner proposed, which was founded on reasons which did not apply to the present case. The question therefore being, Was a removal necessary to preserve the constitution? and are the present Ministers capable and honest? He should answer affirmatively to both, without examining any anecdotes of Lord Temple's actions, and should vote against the motion.

Mr. Nicholls said, an honourable and learned gentleman Mr. Nicholls who had spoke some little time before in the debate, had stated the resolution as an invasion of the King's prerogative. If the resolution struck him in that light, he would not give it his support. He was a friend to prerogative; it was part of the great law of the Constitution, vested in the Crown, not for the private gratification of the Sovereign, but as a trust to be exercised for the welfare of the people. But among all the powers and prerogatives of the Crown, there was none more valuable than that of having the assistance of a great national council to advise the Crown in the exertions of its prerogative, and to prevent the Sovereign from being misled by artful and interested advisers. It was this advantage of a great national council which gave the Monarchs of this country the su-

periority over the Sovereigns of Europe. He said the honourable and learned gentleman had admitted the right of the House to advise the Crown to remove Ministers on a charge of misconduct; but would any man say, that he could not suppose it possible, that the Crown might trust the great offices of the State to hands so perfectly unequal to the management of the public business, that it might be proper for the House of Commons to meet the mischief before it had run its full career, and to advise their Sovereign to remove such incapable Ministers, before any gross act of misconduct had been committed? The honourable gentleman had called for a precedent of such interference; he was not prepared to produce such a precedent — he would mention, however, an instance, where much mischief had followed from Parliament's not having interfered to advise his Majesty to remove an incapable Minister. The instance he alluded to was the appointment of the Earl of Bute in place of that vigorous Minister whom his Majesty found in office at his accession — In private virtues and private character, the Earl of Bute was not inferior to the present Chancellor of the Exchequer; yet, who is there that will not admit, that it would have been a blessing to this country, if the House of Commons of that day had addressed his Majesty to remove the noble Earl from his Administration before any misconduct could have been proved. It had been said the present motion was calculated not only to procure the removal of one Administration, but the appointment of another. Unquestionably it was. Who is there who does not wish for the most speedy appointment of a strong, vigorous Administration? The resolutions already passed, declare the want of confidence of the House in the present Ministers. If those resolutions are not rescinded, the proposed resolution follows as a consequence. Is there any pretence for rescinding those resolutions? Upon what ground ought the House to have confidence in the present Ministers? Was it because they had procured the removal of Ministers in whom the House had confidence? Was it because in the present critical situation of public affairs they had created a total stagnation of public business, for the sake of gaining their employments? He thought the present Ministers, destitute as they were of the confidence of the House of Commons, incapable of conducting the public business; the sooner they were removed
the

the sooner would the country be relieved from its present dangerous situation.

Mr. *Fox* took occasion, in reply to Mr. Macdonald, to declare, that he was ready to accommodated in every thing but principles; that he would suffer his India bill to be new modelled entirely, reserving only, that it was made a permanent system, and that the seat of government was established at home, not in India. Mr. Fox.

Governor *Johnstone* desired him to abandon the principle of the bill, and they would suffer him to model all the accommodatory matters as he pleased. Governor Johnstone.

This Mr. Fox would by no means consent to.

Mr. *Sheridan* very ably supported the motion, and reminded Mr. Powys of his having used this quotation from Shakespeare the day or two before Lord North retired two years ago; Mr. Sheridan

————— the times have been

That, when the brains were out, the man would die,

And there an end; —————

Mr. *Sheridan* said, the souls of the present Ministry were departed, but their bodies, like empty forms, still kept their places; to them he might say,

————— the times have been

That, when the brains were out, the man would die,

And there an end; but now they rise again

With twenty mortal murders on their crowns,

And push us from our stools; —————

threatening the House with fifty deaths or dissolutions.

Mr. Arden spoke against the motion.

Mr. Burke spoke in support of the motion.

Mr. T. Onslow made a handsome eulogy on the Prince of Wales.

Lord Fielding opposed the motion strenuously.

General *Murray* declared he thought it fair to discuss the East-India bill before the fate of the Ministry was decided. Gen. Murray.

The *Chancellor of the Exchequer* said, he could not suffer the debate to close without saying a few words; but as he saw the impatience of the House to separate, an impatience which he could not wonder at when he considered the very late hour of the night, he would assure them that he would detain them only for a few moments. Let the fate The Chancellor of the Exchequer.

of the motion be decided either one way or the other, he said he could not but feel the utmost comfort and satisfaction at the full, fair and impartial discussion the question had undergone, and more particularly in having been witnesses to a debate, in which, although from the personal nature of it, he was debarred from taking any part himself, so many worthy and truly respectable gentlemen had risen to defend his character and rescue it from the odium which the violence of faction and the malice of party would have wished to have loaded it with. In the course of the discussion a great variety of topics had been handled in a way that did honour to the ability of those who had spoken, and proved incontestably, that the art and ingenuity of that set of men whose chief aim it had been to mislead and confound, had not been successful to the degree that they might possibly have hoped; but that there were others, and those of acknowledged estimation and importance in the country, who were not more accurate in their judgments than zealous in their determination to tear the mask from the face of faction and shew it in its native colours. This necessarily afforded him all the gratification that his most sanguine hopes could have aspired to. With regard to the question, the Committee would dispose of that as they thought proper. It was a question from its personal tendency certainly of some importance to him, but of infinitely more importance to themselves. The character of the House, the confidence of the people in their representatives, depended in a great measure on the fate of the motion: before they decided a point of such magnitude, he desired to throw himself on the candour, the justice and the honour of the House. He had produced a bill for the better regulation of the East-India Company's affairs, a bill which he had given to the House as a pledge of his merits as a Minister; a pledge by which he had consented to abide, and to rest all his pretensions to the confidence of the House on a fair comparison of that bill and the bill of the right honourable gentleman that had been brought in before the holidays. His bill was already before them, and it rested with them to name the day for its discussion. If they came to a decision upon the motion that night, and a majority agreed to it, the House would have condemned him unheard, and before any opportunity had been afforded for them to have grounds to form an opinion upon, whether he deserved to be condemned or not. It had been agreed on all hands, that

that a system of regulation, with regard to the future government of India, was indispensably necessary; one bill upon that subject had been agitated already, and had passed that House, but had been lost in the Lords. The opinions of the public at large, he would venture to assert, were decidedly against that bill. Would the House then, while they had a bill upon the same subject, but of a very different nature, in their possession, and which yet remained to be examined and discussed, proceed the length of the motion then under consideration? He flattered himself that they would not prejudge him, that they would not condemn him unheard, but that they would wait at least till that comparison and discussion that he most anxiously challenged had been gone through, and that the House in this material instance would act consistently, with that candour, honour and dignity, which so highly became them, and which he hoped ever would distinguish all their proceedings.

As soon as Mr. Pitt sat down, the Chairman put the question, and the Committee divided; Ayes (for the resolution) 205; Noes, 184. Majority, 21.

The Chairman was then directed to leave the chair, report the resolution to the House, and ask leave to sit again.

The House being resumed, the resolution was reported, read a first and second time and agreed to; after which the Committee on the state of the nation was adjourned to Tuesday next.

January 20.

Mr. Rolle.

Mr. Rolle observed, that from a declaration which he made a few days ago, that he would on this day move for certain papers relative to two persons, late clerks in the Pay Office, they might naturally expect that he would proceed to make his motion now; however, he had resolved to decline it for the present, for two reasons; one was, that he did not like to introduce any question that might interfere with or impede the important business that was expected to be brought on this day in the Committee on the state of the nation. The other reason was, that a rumour was then afloat, that a negotiation was on foot, by which, it was to be hoped, an end would be put to the species of confusion which had of late distracted the government of this country.

Soon

Mr. Fox.

Soon after Mr. Rolle had sat down, Mr. Fox entered the house, and a cry of "the order of the day" was immediately set up: the order was for going into a Committee on the state of the nation. Upon this,

Mr. Fox rose; he said that since he came into the house he had been informed, that an honourable member had given for his reason for not moving for certain papers, that a rumour had been spread abroad of a negotiation having been set on foot for the purpose of effecting an union between both sides of the House. The reason, in his opinion, was a very indecent one; and the more so, as there was no ground for any such rumour; at least he could say with certainty that no such negotiation had reached his knowledge. His motive for rising on the present occasion was, to tell the House, that he intended to move for the discharge of the order of the day, and that another order be made for going into a Committee on the state of the nation. He observed, that after the resolution which the House had agreed to on Saturday morning last, it was certainly to him a matter of astonishment, that the present men should still be found in their offices, though that resolution declared in the most unequivocal terms, that they possessed not the confidence of that House. The nation had now to see what had not been seen since the Revolution, an Administration holding their places in defiance of the House of Commons, and renewing as much as in them lay those distracted times before the Revolution, when, to the misfortune of the nation, the Houses of Commons were almost always at variance with the executive power; obliged to maintain their rights against the prerogative of the Crown, which aimed at their annihilation. He wished the sea, which surrounded the island, could prevent the shame of this country from reaching the nations on the continent; he wished that the destruction of this government could be kept from the knowledge of the dependencies of this country, or rather he wished that the Constitution were secured, and that every thing were restored to peace and quiet at home, when there was so much occasion for vigorous measures in the cabinet. It might be for the Committee to enquire into the cause, why an Administration was found to stand in this country, in open defiance of the sense of the representatives of the people of England: however, he was willing to give his Majesty's Ministers time to reflect and coolly to consider the situation in which they stood — they might reflect, that remaining in office
under

under such circumstances, must be productive of the most serious consequences, not perhaps to themselves, but to their country. It seemed at present to be a contest between privilege and prerogative, or rather between prerogative and the Constitution—the question, was in fact, whether a secret and unconstitutional influence should so far prevail in this country, as to be able to maintain in office a set of men in whom the House of Commons had declared they cannot repose a confidence. These men should reflect that a more dangerous contest could not possibly be introduced; that such a contest never existed in this country, without proving injurious to the prerogative of the Crown and the liberties of the people — They should reflect seriously upon this, and consider how unlike lovers of their country they must be, to render themselves instrumental in bringing on a contest, from which the most melancholy consequences might naturally be expected. In order, therefore, to give them time to enter into a serious consideration of the business, he was willing to adjourn the farther sitting of the Committee of the state of the nation to Monday next; and he hoped that by that time they would be able to give such advice to his Majesty, as should appear to them suited to the present situation of affairs. As to the idea of an union with those whom he was now opposing, all he would say was, that he was not an enemy to any individual; but gentlemen should consider how far it was practicable to effect it consistent with principles that appeared almost irreconcilable.

Mr. *Rolle* rose to explain, he said that he had not asserted Mr. *Rolle*. that a negociation for an union was on foot, but that report said so, and he trusted there was good ground for such a report; as it was from an union of the abilities of both sides of the House, that this country could alone expect to be saved.

Mr. *Drake* rose to return his sincere thanks to the right Mr. *Drake*. honourable gentleman for putting off the sitting of the Committee of the state of the nation to Monday next; he rejoiced at this cessation of hostilities, which he hailed as the forerunner of a general pacification. From the union of the right honourable gentleman who spoke last but one, with the right honourable gentleman now at the head of his Majesty's affairs, the most happy presages of glory and happiness to this country might be drawn. Before he should sit down he said he felt it his duty to return his

his sincere thanks also to the right honourable the Chancellor of the Exchequer, for his noble and disinterested conduct, in giving away a place of great emolument, in such a manner as to prove a relief to the public, and establish his own character for purity and disinterestedness. His conduct on that occasion was great, was noble, was patriotic and unparalleled.

Mr. Gros-
venor.

Mr. *Grosvenor* rejoiced in the happy prospect of returning harmony in Government; he had, on a former day, seen the seeds of a disposition for a reconciliation on this side of the House (the Ministers); and it gave him unspeakable satisfaction to find that there were seeds of a similar disposition on the other. A happy union of both was an event most devoutly to be wished for; and he begged that the independent country gentlemen would rouse up another to recommend this union; a few short sentences from them would be more effectual than the longest and most ingenious and flowery speeches of others. It gave him particular satisfaction to find that this disposition to harmony had manifested itself, after he had, a few days ago, ventured to recommend a general coalition of all the great men of all parties; if what he had then thrown out should produce the desired effect, then might he sit down with heart-felt satisfaction, and say, with truth, that "he had done the state some service."

Lord Fred.
Campbell.

Lord *Frederick Campbell* expressed his satisfaction at seeing the happy omen of approaching concord. He was glad the right honourable gentleman had consented to put off the sitting of the Committee for a week; but he would have been still more pleased, if he had put it off to a still more distant day than Monday next; for as the House would naturally expect to go through the India bill, before the Committee should sit again, they would find it impossible, as the bill was not to be read a second time till Friday, if the Committee was to sit on the succeeding Monday. He was not without hopes that every thing might still be accommodated to the satisfaction of all parties, in the present struggle for power. However, though he was desirous that the Committee should not sit till a more distant day, he by no means desired that it should not sit any more. He had already voted for that Committee, and he would not consent that it should be finally closed, till the House should be satisfied that the Constitution had nothing to fear from an abuse of the Royal Prerogative; if the contrary should be the case, then he would go with the right honourable gentleman, and support

support such measures as should be deemed necessary for the security of the Constitution; but, for the present, he wished not to proceed with hastiness. The consequence might be, that this House might possibly be involved in a contest with the other, which every man would wish to prevent; and, indeed, he was apprehensive, from what he had heard the right honourable gentleman say soon after his bill had been rejected by the Lords, that he would bring it in again precisely in the same form, or as nearly so as the forms of the House would admit. This, he confessed, had alarmed him; and though he had voted for that bill, though he still entertained an opinion relative to it, from which he would not recede, still he trembled when he heard the right honourable gentleman make that declaration, because he apprehended that persevering in the resolution to carry the bill through, would create a quarrel or breach between the two Houses. However, he had been relieved from his apprehensions on this head, by what that right honourable gentleman had said on Friday last, that he would not obstinately defend every part of his bill, and that provided the main points of making the Commissioners irremovable for a given number of years, and making their control absolute over the servants of the Company in India, were given up to him, he would not *opiniatre* the other regulations. The principle of the bill was unquestionably good; but there were parts of the bill liable to objection, and he rejoiced at finding the right honourable gentleman in a disposition to give them up if he should find that they were not generally relished. The business of India required immediate consideration, and he should be happy if the bill brought in a few days ago by the right honourable gentleman at the head of his Majesty's affairs, should be considered on its own merits, independent of and unmixed with, any political topic, except what should be found to arise from the bill itself.

Mr. Fox replied to the noble Lord. He said, that he was in hopes the sitting of the Committee would not be found to interfere in any respect with the consideration of the right honourable gentleman's bill, for he trusted that the House would throw it out on the second reading on the Friday; so that there would not be any ground for objecting to the sitting of the Committee, as interfering with the discussion of the bill. For his part, he would do all he could to consider the bill on its bottom, without adverting to any collateral circumstance that might have attended its introduction into that House; but it could hardly be expected that the

Mr. Fox.

House would follow his example in that respect; it was bordering upon an impossibility, that in the digression of the bill, these circumstances should not be adverted to by gentlemen in the course of the debate; and, therefore, if the bill could not be discussed without any reference to them, it was not his fault, but the fault of those, who had, by their misconduct, rendered such a proceeding unavoidable. The noble Lord had called this a struggle for power; but he would beg leave to assure the noble Lord, that if this expression meant a struggle for personal power in him and his noble friend, there was not the least foundation for it. The struggle was in fact between the right honourable gentleman over the way (Mr. Pitt) and the Constitution; and if in such a struggle, he (Mr. Fox) and those who acted with him, were to remain neuter, it might be truly said, that they had abandoned the Constitution. As far as he himself seemed to be struggling for personal power, he disclaimed the imputation in the most solemn manner; and he would venture to go as far in disclaiming it in the name of his noble friend, (Lord North) whom he did not then see in the House; and, it was but justice to say of that noble Lord, that of all the charges brought against him while he was at the head of affairs, that of struggling for personal power was never so much as thought of; on the contrary, he had always declared, and his subsequent conduct proved the sincerity of his declarations, that he looked to the confidence of Parliament for the support of his Administration; and when a resolution was proposed to that House to declare the Commons would no longer confide in him, his noble friend, true to his repeated and invariable declarations, thought proper to retire, though he was not so deserted, but he was able to negative that resolution by a majority of nine on a division. Why then was the noble Lord become disagreeable to the secret advisers of the Crown? Not surely because he had carried on the American war, which was so agreeable to their wishes, but because he refused to carry it on after he found that the House of Commons had resolved it should be given up. His noble friend, like a man who rightly understood the Constitution of his country, knew that when the Commons and the executive power were at variance, no Minister could or ought to stand; or, in other words, that no Minister could stand, who had not the support and confidence of the House of Commons. With this principle rooted in his mind, his noble friend gave up the helm of the State, because he knew he ought not to hold it against the sense of the representatives of

of the people. Here was the great cause which rendered his noble friend so disagreeable to the secret advisers of the Crown. It was not because his noble friend had not supported the influence of the Crown, but because he refused to be the tool of these advisers in supporting that influence against the sense of the Commons of England. His noble friend submitted to the sense of that House, and refused to push that influence as far as perhaps he might have had means to do it, if he had paid less deference to the opinion of the House of Commons. But what his noble friend had nobly, and like a lover of this Constitution, refused to do, his Majesty's present Ministers had been brought in to execute; they came in, therefore, the avowed champions of the influence of prerogative, under the auspices of secret influence. They were brought in for the purpose of shewing how far the prerogative was able to support a Minister, and enable him to look down upon the resolutions of the Commons of England. That House had formerly been accused of being too intimately connected with the Crown; but that happy connection, which had produced harmony, and raised this country from the period of the Revolution down to this day, to an envied pitch of opulence and power, was now dissolved, and those fatal times antecedent to the Revolution were revived, in which the Ministers of the Crown were invariably at war with the Commons. The present, he said, was an æra in this Constitution, and the man who could stand an idle spectator of the events of the last three weeks, could not be a friend to his country. To struggle, therefore, at present, was not to struggle for power but for liberty. He was sure that there was not a man in that House who would lay his hand upon his heart and say, and much less believe, that if the noble stand which had produced the various resolutions that had passed within these three weeks had not been made, there would have been at this day in this country, any thing more of liberty than the shadow; the substance would have been borne down by the influence of the Crown. The noble Lord and several other respectable gentlemen had recommended union to both sides of the House. It was much easier to recommend than to effect it; and he begged gentlemen would not suffer themselves to be hurried away by too sanguine hopes, that such an union could be as easily effected as it could be wished for. For his part, he had no objection to an union; but in order that it might be of advantage to the public, it ought to be founded in principle; and how far this could be done

in the present moment, he would leave it to the House to determine. Some men are brought into power by means which by others are declared to be absolutely unconstitutional; nay, absolutely subversive of the Constitution. The parties accused defend these means; how, therefore, can these two parties ever agree in measures when they disagree in principles, with respect to the very foundation on which a Ministry ought to stand. One set of men think that the opinion of the House of Commons ought not to guide the Sovereign in the choice of Ministers who may have the confidence of the people; while the other set of men think that no Ministry can or ought to stand, but on the confidence and support of the House of Commons. The one party stands upon prerogative, the other upon responsibility and the Constitution. How, therefore, could these parties coalesce? Union might live upon their tongues, but not in their hearts; and he begged that those gentlemen who so laudably endeavoured to bring about an union, would not suffer themselves to be hurried away with an idea, that it was easily to be produced. To all appearance indeed union might exist; but in fact, disunion and distraction would alone be found in council, if the different parties, however they might differ on particular points, did not all stand upon one great and broad principle. He had already experienced this misfortune in one of the two governments in which he had borne a part, where every thing bore the appearance of union and harmony, when in reality nothing but discord and division prevailed in the Cabinet. He had rather therefore, if an union upon principle could not be expected, that no union at all should take place; he had rather differ in that House, where he could assign his reasons for his differing, and where the Houses could decide, than in a place where the parties differing were ultimately to decide; and the nature of which was, that a man could not relate the causes of the difference. An union, not founded upon principle, would be fallacious, and infinitely more dangerous to the country than the divisions which at that time prevailed within the walls of that House. Gentlemen wished the India bill might be considered upon its own merits, and that concessions might be made on both sides; for his part he was ready to do it; in his opinion it carried in itself internal evidence of its inadequacy to the end for which it was proposed. The principal thing which seemed to recommend it to the House was, that it was founded on propositions made by the East-India Company itself. But he would shew that

I

that there was not near so much in the boasted consent of the Company, as gentlemen might be led to imagine, which he hoped to be able to prove to the House, when the bill should come before them. As to concessions, he did not know how the right honourable gentleman over the way, could make any, without falling into that very error or crime, which had been made such a ground of attack upon his bill, namely, the acting without the consent, or against the will of the parties concerned. For as the bill is built on certain specific propositions, to which the Company were supposed to have given their consent, if any alteration was made in the bill, which would make it differ from the principle of these resolutions, it could no longer be said to come recommended by the consent of the Company. For these different reasons he had very little hopes of seeing such an union effected, as would prove a blessing to the country.

The *Chancellor of the Exchequer* said, he wished to see the sitting of the Committee deferred for some time, though he entertained not a desire to get rid of it; he was by no means averse to the union so strongly and so properly recommended by the respectable and independent country gentlemen, from whom the recommendation had come; but, on the other hand, he agreed perfectly with the right honourable gentleman, that an union not founded on principle, and which would produce disunion where it would be more dangerous than in this House, would be a fallacious union, and such as no lover of his country ever could wish to see. The right honourable gentleman had said, that he, in common with his Majesty's other Ministers, held their places in defiance of the opinion of that House: in answer to this charge, he would say, that nothing but a sense of his duty to the public could keep him in office;—and when in the Committee of the state of the nation, this business should come to be agitated, he would state the motives which kept him in office, and which he trusted would be found just and reasonable by the Committee; for the present he would only say, that he thought he could not, at this moment, go out of office with as much honour as had attended his going into it. He had also been accused of standing for support on secret influence; but this was an assertion which he defied any man to establish by proof. [Here was a loud laugh, occasioned by the challenge to produce proof of a thing done in secret]. With respect to this secret influence and secret advisers, he would assure the House, that as long as he should bear a part in his Majesty's Councils, he would never suffer himself

himself to be influenced by any secret influence, or secret advisers, if any such there were.

Mr. Mar-
sham.

Mr. *Marsham* recommended union in the strongest terms, and he expressed his satisfaction at finding that the two right honourable gentlemen were so well inclined to it; and at the same time he rejoiced that they both agreed in this point, that an union, which was not founded in principle, would be fallacious and injurious to the interest of the public.

Lord Mait-
land.

Lord *Maitland*, with great vehemence, arraigned the Chancellor of the Exchequer, for daring to declare, that he would explain his motives for coming into office, and that he hoped they would be found just and reasonable by the Committee. The Committee and the House had already pronounced judgment upon the question of his coming into office; and he was sorry that the right honourable gentleman's memory was so bad, that he should be under a necessity of moving that the resolution carried on Saturday morning last, should be read. The Clerk read it accordingly. This brought up

The Chan-
cellor of the
Exchequer.

The *Chancellor of the Exchequer* again, who said, the noble Lord had misunderstood him; what he had said was this, that he would state his motives for staying in office after such a resolution had been carried, and not his reasons for coming into office.

Lord Mait-
land.

Lord *Maitland* replied, that the resolution was retrospective as well as prospective; for while it told him that he ought not to remain in office, it as plainly said that his conduct had been wrong from the beginning, and that he had accepted of his present place under circumstances which, constitutionally speaking, rendered him an improper person to be trusted with any place.

Sir Thomas
Egerton.

Sir *Thomas Egerton* rose to observe, that the right honourable gentleman, who began the debate, had charged that side of the House with being enemies to the Constitution. This, Sir Thomas said, he deduced from the right honourable gentleman's assertion, that the question was between the Constitution and the secret advisers of the Crown; which declaration necessarily implied, that all who did not vote with that right honourable gentleman, were supporters of the secret advisers of the Crown against the Constitution. He rose to defend himself from that imputation. He trusted he had as zealous a regard for the Constitution as the right honourable gentleman; he supported the present Minister, because he thought he deserved support; he took that opportunity of returning him thanks
for

for his conduct, and assuring him, that he should continue to support him as long as he should continue to merit support in the same degree.

Mr. *Mansfield* took up that part of the Chancellor of the Exchequer's speech, in which he denied his having any connection with secret influence; this Mr. Mansfield answered with great ability, entering into a history of all the circumstances that had proved the exercise of secret influence, and asking what occasion had any one Peer to become the message-carrier of the Crown to the rest of the peerage, but for the purpose of deriving an undue advantage from such an exercise of undue influence? After going through a description of the whole transaction, and tracing its consequences, he said, the right honourable gentleman had just as much analogy to secret influence as the creature had to its Creator. That he came into office upon that influence, and upon that only; that no other cause was capable of being adduced as the ground of overthrow of an Administration composed of men of as high integrity, as great ability, and as fully enjoying the confidence of the people and their representatives, as any Administration that ever conducted the government of the country.

Mr. *Powys* said, an union of abilities had been called for; he rather wished for an union of principle. The one might produce discordant councils and weak measures, the other the reverse. When the day should come for the right honourable gentleman to state his reasons for continuing in office notwithstanding what had passed, he did not doubt but he would do so satisfactorily; and that day, he added, must come; he trusted it would then be made appear, that both the right honourable gentlemen were firm to one principle, viz. a detestation of secret influence, and a determination never to give way to it. Mr. *Powys* added some other arguments, all tending to prove that he was not more a friend to Mr. Pitt, than a real lover of the Constitution.

Mr. *Frazer* said, he rose to urge a reason which pressed on his mind for wishing a broad-bottomed Administration in the present crisis, uniting as much knowledge as possible of foreign and commercial affairs, as of eminent abilities and powers for the meridian of that House, and he begged to address it to all sides and to all parties, and it was this:—That the property of this country being vested in

in three or four-score great families, their connections and friends, alternately one party made war, and another peace; but all parties laid taxes and burthens on the people; therefore it was now requisite to unite their knowledge, wisdom, and abilities; for the House should be united for the public good, lest the people at large, in some fatal hour, as heretofore in Denmark, and lately in Sweden, should incline to choose one, instead of many representatives.

Sir Richard Hill.

Sir *Richard Hill* observed, that the right honourable gentleman who began the debate, had said a great deal about the late Administration's having been turned out by the secret influence of the Crown. He desired to know what the Administration preceding the last had been turned out for, but for having made a peace, which the right honourable gentleman had declared must be made at any rate, though he could not make it himself? Sir Richard said farther, that the right honourable gentleman had of late praised majorities very highly; this, he observed, had not been his practice formerly. The right honourable gentleman must either be right or wrong in his newly-adopted opinion of the virtue and merit of majorities? If he was wrong, why so much boasting of glorious majorities? If he was right, he would please to remember that majorities, by the single monosyllable yes, had condemned his conduct for many years together. But that was not the only point in which the right honourable gentleman had changed his opinion. He must give him leave to remind him, that on the division upon Sir John Rous's motion, three sessions since, he clapped his back to the lobby door, and exclaimed, No Coalition! yet he soon afterwards found that no Coalition, that no Treasury Bench; and he accommodated himself to the maxim which he found best suited his advancement. Sir Richard concluded his speech with the following story:

“ There were two neighbouring farmers, who, for many years, had borne the most cordial enmity to each other. So great was their antipathy, that each declared they durst not trust themselves in a room with the other. At last, however, farmer Whighouse says to farmer Toryman, ‘ Farmer, what are you and I about? We are neither of us likely to thrive in the world by all this jangling and snarling. I have a proposal to make to you, by which we may both get money apace, and provide for our numerous

merous and clamorous families. We have both of us a great deal of dirty work to do, and if you will lend me your horses to draw me through the mire, I will lend you mine, so let us e'en join our teams together.'—'Why, neighbour Whighouse, I like your proposal very well,' says farmer Toryman, 'but I fear our horses won't draw well together. I am apt to fear they will find the chains rather galling, and that they will kick, and wince, and start, and run restive.'

'Never fear that, Mr. Toryman,' says Mr. Whighouse, 'we must pat 'em and coax 'em, and feed 'em with good hay and corn, and give some of them fine trappings, and then never fear but we make them so tractable, that we may ride 'em ourselves with ease, though to be sure we are neither of us very light weights.'

"Now all former animosities were to be forgotten, and upon every occasion they called one another my good friend Mr. Whighouse, and my worthy neighbour Mr. Toryman. This to be sure made the neighbours laugh. But matters soon took a serious turn; for these two overgrown farmers began to encroach upon their neighbours, to break down their fences, and were proceeding to seize their very deeds and leases, when a worthy gentleman in the neighbourhood, finding how matters were going on, went and informed their worthy landlord of their proceedings, who dismissed them from their farms, in order to make room for better tenants."

Sir Richard Hill concluded by saying, that without doing violence to the moral of the story, he would say to Old England,

De te fabula narratur.

The motion for adjourning the Committee on the state of the nation to Monday next was put and carried.

A few words after this passed between Lord Surry and the Chancellor of the Exchequer, relative to the disposal of the place of Chancellor of the Duchy of Lancaster; the result of which was, that Mr. Pitt said, he would not dispose of it contrary to the wishes of Parliament.

January 22.

No business.

January 23.

An uninteresting conversation occurred on the charge brought by Mr. Yorke respecting the story of Mr. Hamilton, of Bargany, and Mr. Dalrymple. Mr. Charteris explained the whole into a laugh.

Mr. Chan-
cellor Pitt.

Mr. Chancellor *Pitt* moved, that his India bill be read a second time and committed. The motion being seconded,

Mr. Fox.

Mr. *Fox* rose with an intention to enter into the intrinsic merits of a bill, on the fate of which depended so many and such various circumstances of magnitude and importance. He wished to consider them dispassionately, and with the deference and candour which they deserved. He hoped no person would suspect him of prejudice on a point of so much interest, and which so materially affected the political concerns of the nation, and the prosperity and happiness of so vast a number of the human race. This was no object of trivial concern; no question of light discussion; no subject in the investigation of which the spirit of party should mingle itself.

The evils existing in the administration and government of India might be digested under distinct heads. From the reports of the Secret and Select Committees it appeared, that the Company's servants abroad, by a secret influence, corrupted and abused to their purposes the Proprietors and Directors at home. It was no less evident that there was no energy, or at least no sufficient vigour in the administration of the Company's affairs in this country. And it was equally obvious, that there were no remedies for those evils of various descriptions, which were committed by the servants of the Company abroad. These, said he, are the grand and leading points of consideration in the digestion of a scheme of India reform, and which it was my object to correct in the bill which I formed on the subject, and which obtained the approbation and sanction of the House. Let us now compare the bill under consideration in its various tendencies to correct these evils, and in its different relations to these objects.

The bill under consideration then, by continuing the influence and power of the Proprietors and Court of Directors, by rendering the latter dependent on the former, even for its existence, by avowedly leaving as much as possible the commerce of the Company to its own superintendence, has surely in it no tendency to eradicate these evils, or to
emancipate

emancipate the Company from that slavish dependence on its servants abroad, which has deprived it of energy and decision, and rendered it the prostituted object of foreign cabal. It was the intention of my bill to remedy these encroachments, of so threatening and destructive a nature, by excluding the Proprietors, as far as was consistent with necessity, from a participation in a government, in the conduct of which they had exhibited such a prostitution of sentiment, and so strange an accommodation of measures, to the corrupt influence and secret intrigues of their servants abroad. This, however, is by no means the intention of the bill under discussion. According to it, matters are still allowed to move on in their former track. Directors must still look to their constituents, and proprietors may still be decided, not by motives of public utility, not by the sentiments of cool deliberation, but by the secret influence of persons who perhaps gave them existence.

Did not daily observation and experience illustrate the connection between representative and constituent bodies? No where is this dependence more eminently exemplified than in this House. Here all of us look to our electors. Here all of us wish to accommodate ourselves to their inclinations, so far as is agreeable to our principles; and in the event of dissolution, each of us is anxious to conciliate the approbation, friendship, and good offices of our constituents, that we may not be dismissed. This dependence exhibits, in the strongest light, the extreme danger of continuing the commercial concerns of the Company in the hands of persons raised to office, and placed under the absolute control of men who have uniformly been under the influence and direction of their servants abroad. Do not recent facts illustrate this truth, and evidently demonstrate that Directors are chosen not in virtue of their merits, but agreeable to the prepossessions and prejudices of the proprietors? I do not mean to expatiate on the circumstances of a late election, or to develop the various causes which have raised an honourable gentleman (Commodore Johnstone) behind me, and others, to the office they now hold in the Court of Directors. It is sufficient for me to observe, that in determining the judgment of the populace in such cases, merit is not always the criterion of decision; but that in proportion as a servant has acted wrong, in proportion as he has forfeited the favour of the Company, he has, in the same proportion,

tion, recommended himself to their patronage and regard. Here then is a defect of system, a corruption in government, a protection of delinquency, which loudly calls for correction and remedy. On the present scheme, however, are not these evils rather heightened than destroyed?

Another objection to the bill, in my opinion, is, that it ensures no effective mode of obedience. It enacts an appointment of officers by one body, and vests their recall in another. How could such a system be rendered either executive or effectual? According to every idea of jurisprudence I have formed, the executive authority in every well-regulated government ought to be placed in a small body. This was the constant theme of those who declaimed on the advantages of monarchical government, and their reasonings ought certainly to be admitted in as far as they were agreeable to the maxims of freedom. Here were, however, two distinct bodies; a Court of Directors and Superintendants, constituted on different principles, who might be actuated by various motives, who might occasionally be influenced by opposite interests; and yet, into the hands of these two bodies is to be committed the executive power of administering the affairs of the India Company. The one is to have the authority to appoint; it is the privilege of the other to recall. In so divided a government, where can there exist either energy or execution? Founded in principles so heterogeneous, must it not be the constant victim of internal distraction?

But supposing there should be a cordial agreement established between these two executive bodies, though there should even exist a danger of such an union amongst them, how dreadful must their combination be to this country? By whom is the Board of Superintendance to be appointed? Is it not by his Majesty? Is it not to be under his control? In how dreadful a point of view, then, must the very supposition of an agreement between this Board and the Court of Directors strike every one who attends to it? Must not the existence of such an union extend the influence of the prerogative, by adding to it the patronage of the Company? Is it not giving power to the Sovereign for the ends of influence, and for the extension of that system of corruption which had been so justly reprobated? How can those, then, who affect to be the enemies of undue influence, the candidates for popular distinction, and the affected friends of freedom, pretend to support a bill so

↓

dangerous

dangerous in its tendencies, and so hostile to the liberties of the country? In whatever point of view then I consider the nature of this regulation, I must pronounce it to be unwise and unsafe; for no truths are more obvious than these, that when the Courts of Superintendants and Directors are at variance, anarchy will be the effect; when on the other hand they are agreed, measures will be adopted tending to increase the influence of the Crown, and destructive of the liberties of the subject.

To prevent these evils, and to guard against such fluctuation of system, it was proposed in the bill which received the sanction of this House, that a consistent and permanent government of India affairs should be established in London. On this plan, officers were not to be appointed one day, and recalled another. The administration of India was not to be subjected to change, and become a shuttlecock of government, similar to that which exists in this country; for what has been the fate of this distracted kingdom for some years past? Look at the revolutions which have taken place within this period. Consider how Ministry has fluctuated through various successions, occasioned by different causes, whether of national disaster, or of secret influence. Look how many changes there have been brought about in the administration of Ireland, and in the men appointed in the conduct of it. Would not a system, then, constituted on similar principles, be productive of similar effects? Would not the appointments of men vary in India according to the revolutions of politics in this country, and every circumstance, on this principle of the bill, be rendered unstable and ineffectual? No person setting out to India for the most benevolent purposes, could either accomplish his wishes, or secure his permanency under so precarious a regulation.

But this bill is by no means calculated to restrain any of those abuses which have existed so long, and have been so loudly complained of. This is another of its cardinal defects. In so divided a scheme of government, where the management of affairs is vested in the same hands as those to whom it was formerly committed, how can such an object be accomplished? In whom did the responsibility of nomination rest? No where. His Majesty had the power of appointing *toties quoties*, without responsibility. In so strange a system, how could those abuses be rectified,
which

which it was the object of every bill on this subject to remedy?

The bill which I introduced to Parliament, placed the responsibility of appointment and of measures in India affairs in this House—there it was safe: but where does this bill rest it? In his Majesty's prerogative, without the circumstances of responsibility. Does not such a measure give even a legal extent, without control, to the influence of the Crown? On the principle of the bill, which received your sanction, every thing was to be canvassed with freedom in this House. All was responsibility, openness, and fairness: but on the present scheme every thing is dark design and secret influence. Is it not its intention to steal the patronage of the Company to the Crown?

There is another defect which must strike every one who attends to the nature and regulations of this bill. Here it is expressly declared that the civil Governor shall be appointed by the Company, and the Commander in Chief by the Crown. Could any regulation be more effectually calculated to establish an *imperium in imperio*, or to produce division and discontent? Is it not the principle of every well-regulated society, that the military government shall be under the direction of the civil? But how can so wise a regulation have its effect on the supposition that the civil Governor is created by one party and the Commander in Chief by another? Such a regulation was almost too weak and obvious to be exposed.

To the bill which I proposed to the House it was objected, that it had a tendency to give existence to a patronage, and to erect a fourth estate, subversive of the liberties of this country; but let it be remembered to whose hands this patronage was to be committed, and by whom it was to be exercised—it was Parliament—it was this House. The present bill rests it in hands appointed by the Crown, without responsibility, recallable by the Crown under the same circumstances, and to be exercised by the Crown for the corruption of this House.

An honourable member (Mr. Chancellor Pitt) has accused me of being possessed of a towering ambition; I think his a submissive one, as it seems to lead him to erect a system of mean compliance and secret subordination.

Whether I therefore view the present bill with respect to its intrinsic merits, or in comparison with the other, which was the bill of this House, I can neither approve of its principle nor its expediency. It was the object of that bill not to erect a government at Calcutta, but in London; not to give
existence

existence to a precarious, changeable mode of Administration, but to establish one stable and permanent; not to give an improper extension to the prerogative of Majesty; not to enchant this House into an idea of its merits by the charm of the royal name—but to subject its various regulations to the inspection of Parliament—not screen culprits from judicial infliction, but bring them to merited punishment:—such were the principles, the circumstances, and the objects of that bill which obtained the approbation of this House.

But though this bill has been rejected, other expedients, perhaps, less exceptionable, may surely be devised. An alloy of jealousy respecting it, it has been alledged, influenced the sentiments of the public. I like and approve of jealousy in every point of political concern, and in all points of new regulation, which may affect the freedom and happiness of the nation. But though jealousies have existed, surely proper restraints may be imposed on those circumstances which seemed more especially to awaken the suspicion of the public.

Much has been said of the nomination of persons which had taken place in the former bill. Their character and abilities had been canvassed with much freedom. He was, however, happy to say, that they were all of them persons of wisdom and integrity equal to the important trust reposed in them. The noble Earl (Earl Fitzwilliam) on whom the first charge was to devolve, was a person whose knowledge, whose abilities, and whose industries rendered him every way capable for so interesting a charge. There was no person, he was sure, who had the honour of his acquaintance, and who knew his merits, but who would admit the truth of the assertion. The character of another gentleman, (Sir Henry Fletcher) who was to have been connected with the noble Earl in office, had been reflected on in another House. Aspersions, however, if unsupported by evidence, is the worst species of invective. Enquiry, I know, has been made into the foundation of these reflections, and they have been discovered to be groundless. In this situation then it surely becomes the noble Lord who threw them out, to disavow them as openly as he uttered them. He was convinced there was no person among the seven who had been appointed by that House, whose character and abilities were objectionable, and with respect to which he was not prepared to meet enquiry.

For these reasons I am fully decided against the principles and political regulations of the present bill. It tends to no reformation at home, and to no correction of abuse abroad. It tends to remedy none of those evils which have existed
for

for so long a period, or to put a period to those barbarities which have stigmatised and rendered infamous the character of Britain, and the annals of India. If adopted, the Company may send out their orders to their servants; they may replenish their letters with morals and ethics, but they will be listened to with indifference and disrespect. If adopted, I do not hesitate to say that India is gone, is irrecoverably lost for ever. Gone I am sorry to say, because I am aware, that notwithstanding the magnitude of this truth, notwithstanding its alarming circumstances, there are still some in this House who will give it their concurrence and assent.

Mr. Powys. Mr. *Powys* was extremely sorry that such high language had been used in the debate, or indeed any expression or allusion which might in the smallest degree operate as an impediment to a general and substantial union of all parties. He acknowledged at the same time, that the present bill was no great object of his admiration. Objections he certainly had to both measures which had been proposed; and these he made no scruple on any occasion of avowing. He lamented the blindness or shallowness of his understanding; but such as it did not discover any very extraordinary impropriety in the present measure. Radical and substantial defects there certainly were in the bill of to-night, but not such as seemed to him incorrigible. He begged of gentlemen that they would not bend all their talents in search of points of mere excellence, and then appear hurt from every chimerical disappointment. This would be to argue a matter fastidiously, but which certainly on many accounts was well entitled to their investigation. It conferred, in his opinion, no dangerous or unconstitutional influence any where. The Crown had no other concern in the matter than properly belonged to it, and was its legal right. He protested that did he apprehend any thing of this sort to be accumulated or grasped by prerogative, he would give the bill his hearty negative. He might be wrong; and gentlemen on the other side would readily admit that he was; and yet he could not help acknowledging that the other bill, which had preceded the present, filled him with the most unconquerable jealousies.

The right honourable gentleman had said every thing in its favour which ingenuity, which eloquence, which genius could suggest. Still the creation of a new and unprecedented power was, in his apprehension, established by that measure. This it was which stumbled him, and to which he could not, while he retained his conviction, implicitly subscribe. An object, however, still dearer to him than even the commitment

ment of this bill, pressed strongly on his mind. Why could not gentlemen of superior talents and influence in the House and country, forego their differences of opinion, and cordially unite for the salvation of the empire? This was with him the only point worthy of attention. The hazard which pended by the animosities of party was immense. Every principle of public spirit demanded the sacrifice of little private and personal animosities; and he trusted, whether this bill passed into the Committee or was rejected, its fate, whatever that might be, would one way or other terminate the animosities, the warmth, and the violence which but too evidently subsisted in both sides of the House.

The right honourable *Frederick Montagu* began with saying that he trusted the House would do him the justice to acknowledge, that of late at least he had not been in the habit of intruding much on their patience. His name having been inserted in the bill which had been brought in by his right honourable friend (Mr. Fox) on the floor, precluded him the freedom which he undoubtedly should have taken of otherwise speaking his mind on the measure. He lamented the question had so unfortunately been made a personal one.

Right Hon.
F. Montagu

He was well satisfied of the honour, the integrity, the worth of the several eminent and respectable members of the community, who had been nominated at the same time with him. He knew that the character of one was valuable to the whole, and that there was not an individual among them who would have acted with any one, on whose reputation the least shadow of an objection rested. He therefore reprobated all general and indiscriminate insinuations, as intended only to give a colouring to the measure, by endeavouring to fix a stigma on the appointment: but that unworthy aspersions, he trusted, no body credited; he hoped it sufficiently refuted itself, and discovered the reason of adopting it. He was aware what an immense patronage the system of Indian management exhibited to those who should act in that high capacity. He could answer for all with whom he had been named, that this vast and boundless power was the strongest objection with all of them in undertaking the business. And he would take that opportunity of requesting the right honourable gentleman, in the event of bringing forward any other measure, to guard this circumstance as much as possible, and render the temptation of abusing so important a trust as insignificant as he could.

It had been conceived as the intention of the Commissioners formerly appointed, that they were to make a total alteration

or revolution in the whole interior system of the Company's operations, both at home and abroad; but this he could assure the House was perfectly the reverse. It was not by any means the design of the new Directors to interfere but as little as they could with the appointments of their predecessors. He adverted to the question before the House, and chiefly condemned it, as appointing a government which did not strike him as responsible. He was clearly and decidedly of opinion to have that great, that necessary, that constitutional quality, it must be at home, where the errors to which it might be liable were capable of being immediately detected and remedied. This, with various other strictures which he made on different parts of the bill, determined him to vote against its commitment.

Sir William
Dolben.

Sir *William Dolben* said, he only rose to regret with an honourable gentleman (Mr. Powys) that any asperities whatever had passed either on one side of the House or the other, as he had nothing so much at heart as the union of those splendid and extraordinary abilities so eminently possessed by Ministry and opposition. He therefore implored the two right honourable gentlemen whose measures were opposed to each other, to observe as much temper and moderation as they possibly could; for every harsh expression that had the remotest tendency to widen the breach, was a material injury to the country. This he presumed neither of the right honourable gentlemen could mean; but it was nevertheless an effect unavoidable from such irritable language as might accidentally occur in the heat of debate; and all he meant was, to caution the House against any thing of that kind.

He admired, and the public admired, both the very able authors of the respective measures concerning India, which had so lately obtained a discussion in the House. He only lamented their not acting together on one and the same system. He then addressed Mr. Pitt and Mr. Fox separately, by reminding them of the honour they severally derived from their noble parentage. He hoped the bill would go into a Committee, because it contained a great many excellencies, though he did not imagine its strongest abettors would hold it up as faultless. This, however, he begged might not be understood as if he preferred it to that which preceded it—a measure of which he sincerely approved, though he did own several things in it struck him as capable of being altered for the better: an advantage
which

which the subject derived in a great degree from the thorough discussion it underwent. He did not doubt but the right honourable author of it would avail himself of the lights which had been thrown upon the bill, in order, should it be brought once more forward, under whatever shape, to render it still more adequate and unexceptionable. He had only risen to express himself shortly on these particulars, and after giving his consent for committing the bill, he would sit down, and make room for much more able speakers.

Mr. *Erskine* said, that an honourable gentleman (Mr. *Powys*) had convinced him, not by what he said, but by what he did not say, that the present measure was altogether indefensible. For that honourable gentleman's sagacity and penetration he had so much respect, as to believe in his conscience that, had the ground on which he unfortunately took his stand been untenable, no man in that House was better qualified to have stood and defied every attack. But after he had come forward in its favour, without producing one single argument, what were gentlemen left to think of the measure, but that it was a weak, an unreasonable, and an incompetent one.

The influence of the Crown had been from first to last essentially warped with every stage of the business. This, however, had been flatly denied, and in such terms by the honourable gentleman, that, but for a qualification of his sentiments, which he wisely subjoined, he should have been apt to have yielded to his opinion. He declared he did not see this effect as following from the present measure, otherwise he would not wish it committed. Mr. *Erskine* concluded with this declaration, that the honourable gentleman might be gained over, he trusted, to his sentiments, as from his well-known candour he did not even, with his inferior abilities, despair of satisfying him that the bill of that night was certainly attended with this capital and insurmountable defect, that it armed the Crown with additional power, without stipulating any responsibility whatever.

It had been said that the nomination was not in the Crown, and that the recall was not attended with any influence. He could not help begging the House's attention to this circumstance. He insisted that the recall was considerably more operative than the nomination. For what did it signify who nominated, while there was the power of recall

in the Crown? What principle could destroy the effect of this? Might not the Minister for the time being find a number of excuses for disappointing the wishes of the Directors, and counteracting their orders? Did we not see this capricious power exerted every day in every subordinate department of State? And why would not the same motives prevail here? The same objects existed, and would operate on the human mind in every given circumstance, nearly in the same manner.

He had attended with much anxiety to see what arguments would be brought forward in order to contrast this with the bill of his right honourable friend. It certainly could bear no comparison in point of influence. He could remember well, though he would not answer for the words, that the right honourable gentleman (Mr. Pitt) the moment the former bill was introduced into the House, objected to it with much warmth, but singly on the score of its increasing this influence of the Crown. No other objection was then urged. But how did this one apply? Whatever gave influence to the Minister, was to be considered as strengthening that of his master. But this ground could not long be sustained. His learned friend on his left hand whispered him in the ear, that he had always been the friend of prerogative. He was therefore bound to oppose the measure on another ground. He consequently agreed to attack it, not as augmenting the power of the Crown, but as taking from it, and establishing a power for the Minister independent of it. Thus a compact was formed, by which the same principle should be supported by the most contradictory argument.

Such a colloquy, he supposed, might have taken place. The effects were at least the same, whether it did or not. But this shewed how men would act who were determined to scout measures right or wrong, and, guided by ideas partial and unfounded, united only on ground hostile to others. He was satisfied that the present bill was, to all intents and purposes, less their measure than the one to which it succeeded; and that if they would lay their hands on their hearts, they must be satisfied that no other measure could be devised which so happily united the two extremes of a permanent and responsible government of our Asiatic affairs. It was pretended that this was not the bill of the House, but his right honourable friend's. What! Had not the House adopted and made it completely and substantially their

their own? The measure only originated with its right honourable author, but Parliament had embraced it, and stamped it with their sanction. He would not, therefore, permit even his right honourable friend to enjoy an honour which more properly belonged to the House. He would therefore bar his claim to the exclusive merit of that glorious measure, and boldly put in for a share, at least so far as the voice of such an insignificant individual as he confessed himself to be, might arrogate any share in the decisions of that House. He consequently hoped no man, after that, would stand up and tear this darling measure from its legitimate parent. He for one should always give it to its proper owner.

It was not his intention to go over the several objectionable particulars which the principle of the present bill presented to his imagination, otherwise it would have been no difficult task to exhibit such a monstrous production as he trusted never did disgrace, and never would, the statute books of this realm. Did it not leave all the defects of that enormous system of corruption which traduced so foully the British character in India, as strong, as prevalent and as effective as ever? In what did it correct the powers of the Directors, Proprietors, or servants? In nothing. In his mind it rather strengthened and augmented every worthless and nefarious principle under which they had hitherto acted.

How did this bill dispose of that immense and growing patronage which the affairs of India vested in its government? Did it confer these or any part of them on Parliament, or those nominated by Parliament? No; the whole of them rested with that most efficacious control, which by a most extraordinary device was lodged in the servants of the Crown. And as it was intended to operate, would it not have a most unhappy and alarming influence on the Commons, the Nobility, the great and the small of every denomination in this country? It opened a door of expectation and dependence to all ranks, and would undoubtedly tend to draw their attentions and assiduities most, where those had the greatest chance of being gratified. Nor did it much alter the case, that the Company's servants had still so much in their power. The more favours they could bestow, the more safe would they always find their situation. This was the bane and radical defect in the old system, that this advantage the Company's servants had
always

always possessed and always turned against the Company in their own favour. For the moment any umbrage had been entertained concerning them by their nominal masters in Leadenhall-street, cabals were instantly formed by their friends, abettors, and agents on the spot; and instead of recall and punishment, new appointments and votes of thanks were often proposed and carried. This was the great and constant evil which the legislature of the empire had so often attempted to remedy in vain. And how was it proceeded against in the bill now under discussion? In his opinion, new occasion was given for the same improprieties and mismanagement, which had been so often and so imperfectly reprobated. Would not human nature, under similar circumstances, always produce the same effects? Would not those who acted in great and eminent situations, without responsibility, continue to act as they liked? By what authority could their depredations or oppressions be restrained, over whom there was in fact no efficient control? What would they mind the power of recall being placed in the Crown, while they possessed so much power of conciliating the favour and patronage of Ministers?

Indeed it was impossible after every view he could take of the subject, to conceive a more plausible and effectual device than this whole system appeared to be, of deluging this country with profligacy and venality of every kind. He therefore deprecated its effects. He exclaimed with great earnestness and sincerity against the evils it disclosed. It was big with every calamity which could happen to a nation. Long had some radical, permanent and operative system been deferred for that unhappy corner of the world. Such a system had been produced, but surely this was not that system. That so frequently attributed to his right honourable friend had every attribute of one which promised the desired success. And what was this in comparison, but a mere piece of patch-work, which could only disgrace the contriver, but he hoped would never go abroad under the sanction of that House. It proposed a government without a responsibility; it placed a control in the executive power. It assigned to the servants of the Company, the whole of those original powers, which they had hitherto so much and fatally abused. It placed in the Crown an alarming addition to its present powers, and it went only to a proscription of such a measure as was adequate to the
case

case in question — a measure which promised permanency, because it depended not on any capricious exertion of prerogative; which promised responsibility, because the members of the Board proposed were at home, and constantly under the eye of that tribunal to which they were responsible; and which promised dignity, effect and every thing truly honourable and respectable, because it consisted of a selection of men high in public estimation for every great, virtuous and valuable distinction — men who were ready by their character, their connections and their fortunes, to answer for every particular of their public and official conduct — men who offered to transact this important and intricate business, under circumstances which afforded the most complete and satisfactory pledge which could in any case be expected. This was the government to which the other bill had directed the expectations of the public, which had obtained the consent of every unbiassed and impartial spectator of the dispute, and which, under some other shape, he was still in hopes to see preferred by the legislative capacity of the country.

Much as had been said about the new power, or fourth estate established by that bill; nothing of that dangerous and alarming tendency had ever struck him. It gave no other power than what had already operated in another channel. It was only changing the instruments of the same cause which had always existed; and whoever boggled at it on that account, either did not understand its spirit, or were, from other less honourable motives, prepossessed against it. His approbation, however, it had obtained; and he was happy in the suffrage which he had given to a measure, which, in his conscience, he thought a right one.

Mr. *Powys* rose to explain: he said, whenever the honour- Mr. *Powys*.
able gentleman could convince him, and he believed he could go a great length to persuade some in that house, that the half was equal to the whole, he might probably satisfy him, that the influence derived by this bill to the Crown, was more dangerous than that independent executive power established by the bill to which it had succeeded. He thanked the learned gentleman for his compliments; but he was not therefore to make a surrender of the little understanding he had, because the learned gentleman had been pleased to think so well of him. He would rather endeavour to deserve his good opinion, by judging for himself, than deserve his contempt by affecting

affecting to believe that, of which he still remained to be convinced.

Mr. Chan-
cellor Pitt.

Mr. Chancellor *Pitt* spoke to the following effect: —
Notwithstanding the vast variety of auxiliary matter with which the right honourable gentleman over the way (Mr. Fox) has thought proper, according to his ordinary manner, to aid and to embellish his speech; notwithstanding also his learned friend (Mr. Erskine) in a speech equally diffuse, has followed his right honourable leader through a most faithful repetition of the same arguments; yet I cannot help thinking that I meet the question fairly, when I say that all the objections made to the present East India bill, reduce themselves to these two:

In the first place, it is said to want vigour and effect.

In the second place, to want permanency.

Now, Sir, with regard to the first of these objections, that it is a plan of patronage, and not a plan of vigour, effect, and of power; that it gives to the Crown a new and enormous extent of influence, while it furnishes no new means of control; to this I must reply: Is it possible that gentlemen who argue thus can have read the bill? Sir, I defy any man to contradict me when I say, that while there is every possible guard against patronage, the Crown's vigorous, effectual, and authoritative command over the politics of Indostan, is clearly the main object of every line of the bill. It was the acknowledged fault of the Regulating act of 1773, that it left only a dormant power among his Majesty's Ministers to negative and regulate political orders sent out to India. This power, I allow, was not usefully, nay, not at all, exercised; responsibility lay not then with the Crown; but, Sir, does it follow that when an express Board is appointed, and devoted to the object of East-India politics, charged with the whole responsibility, furnished with every means of information, as well as every power that can possibly be necessary to the dominion of the East? does it follow, I say, Sir, that by means of such a Board, there will be no active, no efficient control? How does the right honourable gentleman torture the imagination, and strive to mislead the common sense of the House, in order to persuade them into this absurdity! He introduces a most curious dialogue between the Government Board and the Directors; the Directors appoint a servant, who (according to his train of argument) the Board object to, and say, "No, you shall not appoint this man your servant, for if
you

you do, we will punish you, by insisting on such and such a measure." "Whom shall we appoint then?" say the Directors. "Why we choose you should appoint such a one," says the Board, "and then you shall order what political measures you please." The right honourable gentleman, therefore, in order to prove that the new Board will have the patronage, while the Directors will keep the control, argues exactly thus: The Board, he says, will barter their control for patronage; ergo, the Board will have all the patronage, and none of the control. But, Sir, will the Directors agree to such a bargain? Will they give up all their right of naming their own servants, for the pleasure of dictating political measures? Is it possible to conceive such a perversion of common sense? I say, therefore, away with such arguments as these. If any honourable gentleman can fairly devise the means whereby the patronage of the Crown can be still farther restrained, and its authority in India at the same time supported, I am not only willing, but, Sir, I am extremely eager, to listen to any such propositions; but the Committee, I conceive, will be the place for observations of this sort. What I contend, and insist at present, is only this, that to give the Crown the means of guiding the politics of India, with as little means of corrupt influence as possible, is the true plan for India, and is the true spirit of this bill.

Now, Sir, with respect to the permanency of this system; and here I am forced to confess, that I for my part can never expect any duration, any consistency, any degree of permanency in the government either of India or any other of our dependencies, without a strong and permanent government is established in this distracted country. The right honourable gentleman has boasted that his system is able to maintain itself unshaken amidst all the changes of Administration here; perhaps I may deny to the right honourable gentleman's plan even this quality; and here I beg the House to recollect an argument which the learned gentleman pressed most forcibly the other day; for when it was justly objected to that bill, that the seven Commissioners would support the right honourable gentleman's party whether in or out of power, "Oh (said the learned gentleman) we all know that any new Minister would be able, by carrying an address through either House of Parliament, to displace any of these Commissioners, and they

must depend, therefore, on the good graces of those who have the majority of Parliament," that is to say, on the Minister for the time being; and in short, Sir, it was the common answer to this very serious objection on our part, that the India Commissioners would naturally and necessarily have a good understanding with the Minister for the time being. Why, Sir, if they will turn round with every new Minister, how is the system said to be thus permanent amidst all the changes of Administration, and yet I, forsooth, am the man accused of aiming at inconsistent advantages. Sir, I do wish the persons who shall rule India to maintain always a good understanding with Administration. The right honourable gentleman compares the duty of the Board appointed by this bill, to the duty of a new Secretary of State, and laments that such a new office should be created: I accept of his comparison, and I say that the power of Government over India ought to be in the nature of that of a Secretary of State. The seven Commissioners were Secretaries of State set over all India, but independent of, and unconnected with the government of this country; and is not this a new and unheard of power in this or in any Constitution?

Earl Fitzwilliam, Sir, by that bill, had power to involve this country in war with France or with Holland, not only without the direction, but without the privity of the government of this country. Sir, he and his Board were to manage all the politics of Indostan, implicated as they are with the politics of European powers, without the least knowledge of the politics subsisting in the King's Cabinet, without the least co-operation, without the least kind of official communication with any one of his Majesty's servants. What an *imperium in imperio* was this! The East India Company is said to be already an *imperium in imperio*; but, Sir, they at least hold some communication, they render up some information, they act in some concert with the government of this country; for the very ground on which Government's right of interference has been built is this: That inasmuch as European politics were become involved in the politics of India, it was necessary that one executive power should have the superintendence over the whole empire. When the right honourable gentleman therefore calls his system permanent, because his Commissioners were thus separated and insulated from the Crown, I should

should lament such permanency, if it were possible; but I deny the possibility; for all our dependencies cannot continue to exist, unless in our Asiatic and European politics there be some unity of action. His permanency therefore was only this: it was a permanency of men, not a permanency of men and measures. The present bill indeed gives to no set of men a permanent, indefeasible power; but it establishes a permanency of system; it gives to the Crown of these realms the sway over its Indian, much in the same manner as over its other dependencies, and insures to it a permanent, regular, systematic, and supreme control over all the political affairs of that vast country.

I must say a few words, Mr. Speaker, with regard to the influence which this bill adds to the Crown; for the right honourable gentleman has insisted, with no little acrimony, that the whole drift and spirit of this bill is to give an unbounded patronage to the Crown; that I am become the champion of influence, and no wonder I am so earnest in this bill. The learned gentleman has even asserted, with a perfect air of confidence, that this bill takes more patronage from the Company than the former bill itself: the former indisputably took the whole; the present as indisputably takes but a part: the learned gentleman has therefore asserted that a part is greater than the whole, an assertion, which I am sure, to his mind it were in vain to attempt disproving, and presumptuous in me to contradict. But, Sir, let me state it fairly and candidly, and see what is the influence gained to Government. It has been repeatedly said that a great deal of patronage has been all along derived to Government from the Company: what is the case by this bill? In the first place all influence in England is left to the Company; an influence infinitely more dangerous to this constitution, and more liable to abuse than that which is exercised abroad. The nomination of all the numberless clerks, labourers, and servants here, is left entirely to the Company; all contracts (than which nothing can be more adapted to the purposes of corruption) are left to the Company; the preference of what ships, captains, shopkeepers, buyers and sellers, they please, is, in my opinion, most properly left to the option of the Company; the nomination of all writers remains also to the Company, as well as the nomination of the far greater part of the servants abroad. The Crown, in short, appoints none but the supreme servants abroad, whose authority must be transcendent, and who must, for the sake of unity, be cordial with Government.

These superior servants, it is true, have a great command of influence in India; that influence, however, is materially broken, by being exercised only through their instrumentality; and it must be farther remembered, that these very servants will have been named in the first instance by the Company, and are chosen to these high offices only after a regular and necessary gradation. If less influence than this will suffice, let it be still farther reduced in the Committee; I hope, however, it is indisputably clear that influence is not the object of this bill. I avow, indeed, that whatever is given should, in my opinion, go fairly to the Crown, and not be delegated to any set of men, who may pervert it to their own purposes.

One word more, Sir, with respect to the bill of the right honourable gentleman over the way;—he affects to tell you, with all the simplicity in the world, that his bill created no new power, gave no new influence, erected no new estate in the constitution of this country; for that it was a mere transfer of power from one body of men to another. Sir, I have already proved it was not a mere transfer of power; for the former Directors were in some degree at least connected, and in some measure co-operated with Government; the new Commissioners were not to be connected, were not to be co-operate with Government. But, Sir, this is not all. It was a transfer of power from a body of men, unconnected with each other, numerous, and fluctuating, by whom the boundless patronage of India was divided into a thousand little wandering streams; it was a transfer from that large unconnected body into the hands of a small junta, politically connected, established in a manner independent of the Crown, by whom India was to be converted into one vast political engine, an engine that might be brought to bear against the independence of this House. Is the right honourable gentleman so dim-sighted, so unsuspecting on a subject thus deeply affecting the freedom of Parliament and this whole constitution, as not to perceive the political bearing which must be given to this vast machine? Let the characters of his seven Commissioners be what they may, even in that view, I say they are one political band: the collected patronage of all India at home and abroad, was to be knit together in their hands, to be levelled, as the party chose, either against the prerogatives of the Crown, or against the independence of Parliament. Compared to these things, the very loss of India, Sir, nay, the loss of every dependency of this country, were light and trifling; the loss of India were a sacrifice easy to be borne,

borne; but the loss of liberty to this country, the sacrifice of the independence of Parliament, and the ruin of this constitution!—this is a calamity, this is a kind of ruin, to which I will never yield without a struggle.

The total overthrow of the chartered rights of the East-India Company was another most important objection, from which the present bill is indisputably free, since in spite of all the cavil of the right honourable gentleman, it does come forward fortified and recommended by the consent of the Company.

These are the grounds on which I maintain this bill. I offer it not to the House as a perfect plan. Let the right honourable gentleman himself propose any amendments in the Committee. If its principle be right, if it be practicable, as a plan of reform for India, and above all, if it be safe as to the constitution of this country. The House, I trust, will so far recognise it, as to suffer it to pass into a Committee.

Lord *North* concluded the debate, and in very strong terms Ld. North. contended for the imbecility, folly, and dark patronage of the present bill. He put the principles into a variety of prospects, and argued that it was not a system of practical, of sound, or of rational government.

The House, at half past eleven o'clock, divided on the second reading—Ayes, 214; Noes, 222. Majority against the bill, 8. It was then rejected.

Mr. *Rigby* informed the House, that Mr. Robinson had Mr. Rigby. used some very indirect means to affect the election of members for the borough of Harwich, and means of a nature which it behoved the House to be made acquainted with. They had gone down together to canvass that borough, but he, having the ministerial means of influence in his power, on ———— se'nnight made four new voters by alterations in the magistracy, and by this means the independent interest in the borough was overthrown. Mr. Rigby stated it pretty much at large.

Mr. *Robinson* explained his conduct: he did not imagine Mr. Robinson. that the House would perceive any thing clandestine or unfair in the proceeding. Some of the magistrates had chosen to retire; in particular Mr Todd, of the Post Office, had resigned his Alderman's gown, because the duties of magistracy were inconsistent with his duties of office. Harwich had always been considered as a Government borough. The right honourable gentleman had never thought it wrong that it should be so until the present occasion.

The

The conversation branched out a good deal, but no motion was made.

Mr. Fox

Mr. Fox moved for leave to bring in a bill for the better regulation and government of our affairs in the East Indies. In doing this, he stated that he had only two fundamental principles from which he could not retire; and these were, that the system for the government of India should be permanent, rendered so by the authority of Parliament; and secondly, that the government should be at home. These were the points of his bill from which he could not recede. They were the essential grounds on which he had gone in all his propositions for India. Other parts of his system were secondary, and might be modelled to meet the inclinations and opinions of the country. In the mean time he begged leave to ask the right honourable gentleman, if they were to be permitted to enter with freedom and security into the progress of this bill; if they were to trust to the promise made in the answer of the Crown to the address of the House; or if they were to be dissolved because they had had the spirit and wisdom to maintain their opinion, and to reject a bill, which in its principle and tendency was so opposite to that which they had adopted?

Perhaps gentlemen might think it was necessary to secure themselves against the possibility of such an act of desperation and violence on the part of Ministers by an address to the Throne. He did not think, however, that even they, mad, weak, or desperate as they might be, would venture to go such a length. He did not think they would; because, trusting to the candour of the right honourable gentleman, he did not believe it possible that he should be guilty of such scandalous deceit and imposition as to perpetrate such an act after the answer which he had framed for his Majesty. But as that answer certainly contained an equivocal meaning, and might have various readings, he thought the right honourable gentleman called upon to rise, and declare explicitly what was the true sense of that answer, and what was the construction which he, as the framer, put upon it.

Mr. Pitt sat still—the members from all sides of the House calling upon him in vain to rise.

Sir Grey
Cooper.

Sir Grey Cooper said, the silence of the right honourable gentleman, though it seemed to indicate an intention to proceed to the dissolution of Parliament, ought not, in his mind, to be so construed. It was impossible to imagine that any set of men could be so violent as to dissolve the Parliament in the present circumstances of things. If they did, the nation would

would have the alarming novelty of a standing army in the country in a time of peace, not under the authority of an act of Parliament, nor governed by any law. Besides this, it was to be remembered, that the sum of 2,700,000*l.* had been granted by Parliament to the King for the supplies of the year, which immense sum was as yet unappropriated, and could not be appropriated without grants. If any Ministers should be daring enough to touch this money, or to apply it without sanction from Parliament, what would the public creditors say, if by a dissolution of Parliament they should be prevented from receiving their money? But these were only two of many considerations that operated against such a measure, and he thought if the right honourable gentleman persisted in his silence, the House should come to a resolution.

The cry of move, move, on Mr. Pitt's sitting still, was very loud.

Mr. Fox spoke with still more animation than before. Mr. Fox.
The dissolution of Parliament, in circumstances like the present, was an act of such violence, and would be productive of such effects, as not the talents, vigour, and industry of the present Ministry, if they were much greater than their best friends affected to think they were, would be able to retrieve. In the present moment, when the taxes were to be considered—when means were to be tried by which the severest of our burdens might be lightened—when means were to be thought of for procuring, on the easiest terms, the sums that must be borrowed this year for defraying of necessary and incumbent debts—when taxes were to be framed at a time when easy taxes were not to be discovered by the most inventive mind—when treaties were negotiating with foreign powers—when the confused and complicated accounts of a long war were to be made up—at such a moment to see a Ministry, whom the House of Commons had declared to be destitute of their confidence, daring enough to dissolve the Parliament, was a novelty in the history of this country. It was impossible for him to speak of the sulky silence of the right honourable gentleman in any other terms than those of indignation. That the Minister of the Crown should treat the House with so little decency was really strange, and he still trusted in the candour of the right honourable gentleman that he would give them satisfaction, and supersede the necessity of their going into any farther measure to secure their existence, until the bill
which

which he had moved for leave to bring in should be fairly argued.

Mr. Demp-
ster.

Mr. *Dempster* said he thought it impossible that there could be any serious design of dissolving the Parliament, because he could not think it possible that the Minister who framed the King's answer could be so indelicate as to proceed to such a measure. If every other consideration was out of the way, the season of the year and the deepness of the storms in the country ought to be an insuperable objection. There were physical impossibilities to the return of a new Parliament. In the country where he lived, it was hardly possible to pass from seat to seat; and if there should be a dissolution, the strongest man in the country, he who had the greatest muscular powers would carry the election. But could it be seriously imagined that any set of men who had the welfare of the country at heart, would postpone all public business in such a moment as the present for sixty days? He could not give himself reason to believe it.

In regard to the new India bill moved for by the right honourable gentleman, he rejoiced in his having renewed his plan; it was full of vigour, efficacy, and regulation. He would now be able to modify it in respect of patronage, and he might make it generally palatable. If we must keep the East Indies, which he for one lamented that we must, he trusted the right honourable gentleman would provide that no more officers, civil or military, should be sent to India for four years to come; it was the number of officers that in his mind created the abuses. He also recommended the idea of gradation and succession, in order to restore the discipline of the Company.

The House still called most vehemently on Mr. Pitt to rise.

General
Coaway.

General *Coaway* spoke of his conduct in very warm terms. He said it was a new thing to see a Minister sit in sulky silence, and refuse to give to the general desire of the House an explanation of words which he had presumed to put into the mouth of his Sovereign. Those words were equivocal; they were calculated to deceive and impose on the House. They generally thought so, and they called upon the Minister to explain his meaning, and he sat in sullen silence. He had declared that he thought himself bound to explain to the House, and account to them for his conduct within the last ten days. That he ought to account to them was certain, for he had stood against the
voice

voice of the representatives of the people of England, and even after they had declared that they had no confidence in him and his colleagues, they had endeavoured, by every mean, sinister, and unworthy art, to keep their places, although they knew that they were incapable of serving their country in any one act by their continuance in office. They endeavoured to gain over an influence in vain. The right honourable gentleman was called upon to explain his own conduct. It was in vain he remained in silence. Though he had pledged himself to explain his conduct, he remained unmoved. But he called upon him to do this for his own honour. He called upon him to clear himself from the imputation which lay against him. The present Ministry originating in darkness and secrecy, maintained themselves by artifice and secrets. All their conduct was dark and intricate. They existed by corruption, and they were now to dissolve the Parliament, after sending their agents about the country to bribe men.

Mr. *Chancellor Pitt* called the right honourable General to order, and desired him to specify the instances where the agents of Ministers had gone about the country bribing men. It was an assertion which he believed the right honourable General could not bring to proof, and which, as he could not prove, he ought not to assert. He begged the right honourable General to suffer him to be the judge of his own honour. He had not been long accustomed to the violence of that House, or to the harsh language; but he had been long enough accustomed to it to assure the House, that neither unsupported slander, nor hot language should discompose his mind. He would not condescend to answer interrogatories, which he did not think gentlemen intitled to put to him. He said, he should not give any answer whatever to their questions, and he concluded in a tone of high and elevated sentiment, and a classical text, expressive of its being inconsistent with dignity, to attend to their rash slanders, or their modest questions.

General *Conway* said he was ready to maintain what he had said. Let the right honourable gentleman move to take down his words, and he would make his charge—Where were the instances? The instances were on notoriety—Their ratcatchers were running about the country, nibbling at boroughs as well as at men. The General was exceedingly spirited, and declared that the conduct of the right honourable

able gentleman was not only an insult, but an indecency.—He could not have imagined it possible that any man who stood upon his character, could have treated the House of Commons in that manner.

Mr. Sheridan.

Mr. *Sheridan* observed, that since the Minister appeared to persist in a sort of obstinate and sullen silence, it became the House to advert to one very material consideration; and that was, that the Deputy Clerk of the Crown should be restricted from showing any degree of partiality to those who were with or against the Treasury, in issuing the writs which would be necessary in case of a dissolution of Parliament. He would therefore move, that Harry Howard, Esq. Deputy Clerk of the Crown, or his substitute, appear at the bar of the House this day. He said this, because in fact he knew not what day to mention.

Ld. Mahon.

Lord *Mahon* adverted to some expressions which fell from Mr. Sheridan, and spoke against the impertinence of putting questions to Ministers.

Lord North

Lord *North* said, he was astonished at the appearance of the Minister on the present occasion. He had put words in the Sovereign's mouth, which every body thought they understood at the first reading; and most people had deemed the answer given to an address against a dissolution of Parliament, pretty satisfactory. It was soon perceived, however, that these words were capable of another interpretation. This put the House on interrogating the Minister concerning his own meaning. And what does he say? Nothing. But he contents himself with coolly and deliberately insulting this House, and telling us, said his Lordship, that he scorns to mind either what we say, or what we can do.

The Earl of Surry.

The Earl of *Surry* declared, that if no other person would, he pledged himself, in case Ministers continued in this sullen humour, and refused every degree of satisfaction to the House concerning their fate, and the answer to their address, for which the Minister was responsible, that he would certainly move something in order to bring that matter to a period.

The motion of Mr. Sheridan was then put and carried.

Mr. Eden.

Mr. *Eden* then rose, and said since nothing could prevail with the Minister to render him explicit, he would put the question in a questionable shape, and take the sense of the House on it. And after reading the King's answer to the address, in which he says that he would not interrupt their proceedings

proceedings either by a prorogation or a dissolution, the question therefore he would put was, Whether it was the Minister's intention to dissolve the Parliament before the conclusion of the present session;

Mr. *Fox* flattered himself, that the honourable gentleman Mr. Fox. who spoke last night still he saved the trouble and the disagreeable task of making his projected motion. He hoped the responsible Ministers of the Crown would remain no longer in indignant silence, or deny that satisfaction to the House which they had a right to demand. He could by no means allow himself to think that the right honourable gentleman would persist in maintaining any longer a doctrine which he had so gravely and seriously advanced, that the Ministers of the Crown were not bound to answer the interrogatories of the House. The speech of Majesty was the speech of the Minister, and he hoped that the Minister would not lay the House under the disagreeable necessity of compelling him to discharge his duty to Parliament and his country.

The right honourable gentleman has enlarged on his modesty. He has quoted the expressions of an elegant author, as an illustration of this favourite topic. His temerity, however, would surely constitute a better theme for classical declamation. Of this quality the right honourable gentleman had given some proofs, but of his modesty, he believed, there were few evidences in the recollection of the House.

Mr. *Martin* expressed his disapprobation at Ministers refusing to satisfy the House on the important points on which they wished to investigate their sentiments. In this system of conduct he could not support Ministers, and he declared, that if a threatened motion was made, he would in this instance abandon them. Mr. Martin

Mr. *Charteris* asserted his own independence. He was Mr. Charteris. connected with no party. The conduct, however, of Ministers struck him at present, as being so affrontive of the dignity of the House, that he would support any measures which conveyed censure on their conduct, or tended to extort from them those informations which they were bound to give.

Mr. *Fox* still expressed his surprise at the conduct of the Mr. Fox. Minister. Perhaps he imagined, because he had insulted the House so far, he might insult it still farther. He was however

however averse from taking any rash or improper advantage of him. He would therefore allow him to think of his situation for some time, and (it being two o'clock this morning) he would move to adjourn to this day (Saturday) at twelve o'clock, at which time he hoped members would attend, that proper measures might be taken to vindicate the honour, and assert the privileges of the House.

Adjourned.

END OF THE TWELFTH VOLUME.

BOOKS printed for **J. DEBRET**, opposite
BURLINGTON HOUSE, PICCADILLY.

This Day is published, Price 1s. 6d. the **Thirty-seventh Edition**,
corrected,

[To this Edition is now first added a summary Account of the Duties of the **GREAT OFFICERS** of State; a Table of the **DURATION** of the several Parliaments from **HENRY VII.** to the present Time; a List of those **PLACES** which formerly sent **MEMBERS** to **PARLIAMENT**, and now do not; a List of the Deaths of the **PRINCIPAL MINISTERS** during the **PRESENT REIGN**; with an **APPENDIX**, containing the Cases of controverted Elections, as they lately appeared before the several Committees, with their Determinations thereupon; and a complete **INDEX** of **NAMES.**]

A **COMPANION** to the **ROYAL KALENDAR**, for the Year 1784: Being a **LIST** of all the **CHANGES** in **ADMINISTRATION**, from the Accession of the present King, in October, 1760, to the present Time. To which is prefixed, A **LIST** of the **MEMBERS** in the Two **LAST** and **PRESENT PARLIAMENTS**; shewing the Changes made in the House of Commons by the General Elections in 1780 and 1784; with the Names of the Candidates where the Elections were contested, the Numbers polled, and the Decisions since made by the Select Committees. Also the Dates when each City and Borough first sent Representatives to Parliament, the Right of Election in each Place, and the supposed Number of Voters.

††† This Companion may always be had bound with the **Royal Kalendar**, with or without an **Almanack**.

THE NEW FOUNDLING HOSPITAL FOR WIT: Being a Collection of fugitive Pieces in Prose and Verse, not in any other Collection. A new Edition, considerably improved and enlarged; in which is inserted several curious Pieces, by Lady Craven, the Marquis of Carmarthen, the Earls of Carlisle, Buchan, Nugent; the Lords Palmerston, Mulgrave, Holland; Sir J. Moore, Right Hon. C. J. Fox, Right Hon. R. Fitzpatrick, Sir W. Jones, Dr. B. Franklin, J. Wilkes, D. Garrick, R. B. Sheridan, Caleb Whitefoord, Sir Charles Hanbury Williams, Mr. Gray, Mr. Mason, G. Ellis, R. Cumberland, B. Edwards, Capt. E. Thompson, &c. &c. which were not in the former Edition; together with several Pieces, now first printed from the Authors' Manuscripts: the Whole carefully revised, arranged, and corrected, in six Volumes. Price 18s. sewed.

OBSERVATIONS on the **COMMERCE** of the **AMERICAN STATES**, by **JOHN LORD SHEFFIELD**. A new Edition, much enlarged; with an Appendix, containing Tables of the Imports and Exports of Great Britain to and from all Parts; also the Exports of America, &c. with Remarks on those Tables, and on the late Proclamations, &c. Price 5s. in Boards.

The **NEW PEERAGE**; or, the Ancient and Present State of the Nobility of **ENGLAND, SCOTLAND, and IRELAND**; containing a genealogical Account of the Peers, whether by Summons or Creation; their Descents and collateral Branches; their Births, Marriages, and Issue; together with their paternal Coats of Arms, Crests, Supporters,

BOOKS PRINTED FOR J. DEBRET.

Supporters, and Mottoes, engraved. To which is added, The Extinct Peerage, comprehending an authentic Account of the Peers who have ever existed from the earliest Times. A new Edition. In three Vols. Octavo. Price 15s. in Boards.

* * The Editors profess to have given in these three Volumes the clearest, most authentic, and the best digested Account of the noble Families of England, Scotland and Ireland, hitherto published; and, by omitting unnecessary Digressions, and ostentatious Quotations from Histories and biographical Memoirs, which only serve to increase the Price, have exhibited their Genealogies clear and explicit, so that every collateral Branch is seen with great Facility and Exactness, and few even of the Gentry of England, Scotland and Ireland, who have intermarried with the Nobility of those Kingdoms, but may here discover by what Degree of Consanguinity they are allied.

The TRUE STATE OF THE QUESTION. Price 1s. 6d.
This Day were published, in two large Volumes 12mo. Price 6s. in Boards,

[Written by John Abercrombie, Author of Every Man his own Gardener, and ornamented with an Head of the Author, engraved by Walker]

THE Propagation and Botanical Arrangements of PLANTS and TREES, useful and ornamental, proper for cultivation in every Department of Gardening; Nurseries, Plantations, and Agriculture: Containing the fullest practical Directions for raising all Plants, Trees, Flowers, Fruits, &c. now first thoroughly explained. Together with the compleatest systematic Display of all the cultivated Species, and Varieties of Plants, &c. &c. both herbaceous and woody Kind, hardy and tender; all arranged in their proper Genera or Families; with their Botanic, Latin, and English Names; and, in the greater Part, specific Descriptions, and the native Places of Growth; comprised in eight Divisions, viz.

Kitchen Garden Plants,	Annual Flower Plants,
Fruit Trees,	Green-House Plants,
Forest and Ornamental Trees	Hot-House Plants,
and Shrubs,	Plants belonging to Agri-
Perennial and Biennial Flower	culture.
Plants,	

And under each Division, general Observations on the Nature of Growth, Methods of Propagation, Culture, &c. of the respective Plants.

The Whole forming a very necessary and useful Companion to all Gardeners, Nurserymen, Florists, Botanists, Planters, Seedsmen, Farmers, and every one any Ways concerned, either in the Cultivation or æconomical Uses, &c. of the vegetable Kingdom.

A NARRATIVE of the TRANSACTIONS in BENGAL, during the Administration of Mr. Hastings. By Major John Scott. Price 1s. 6d.

A REPLY to Mr. BURKE's SPEECH, on the 1st of December, 1783. By Major John Scott. Price 1s. 6d.

